

PART 5C - HERITAGE

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Plan change annotations - key



Indicates where content is affected by proposed plan modification x.
Refer to plan modification folder or website for details.



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

Underlined content to be inserted.

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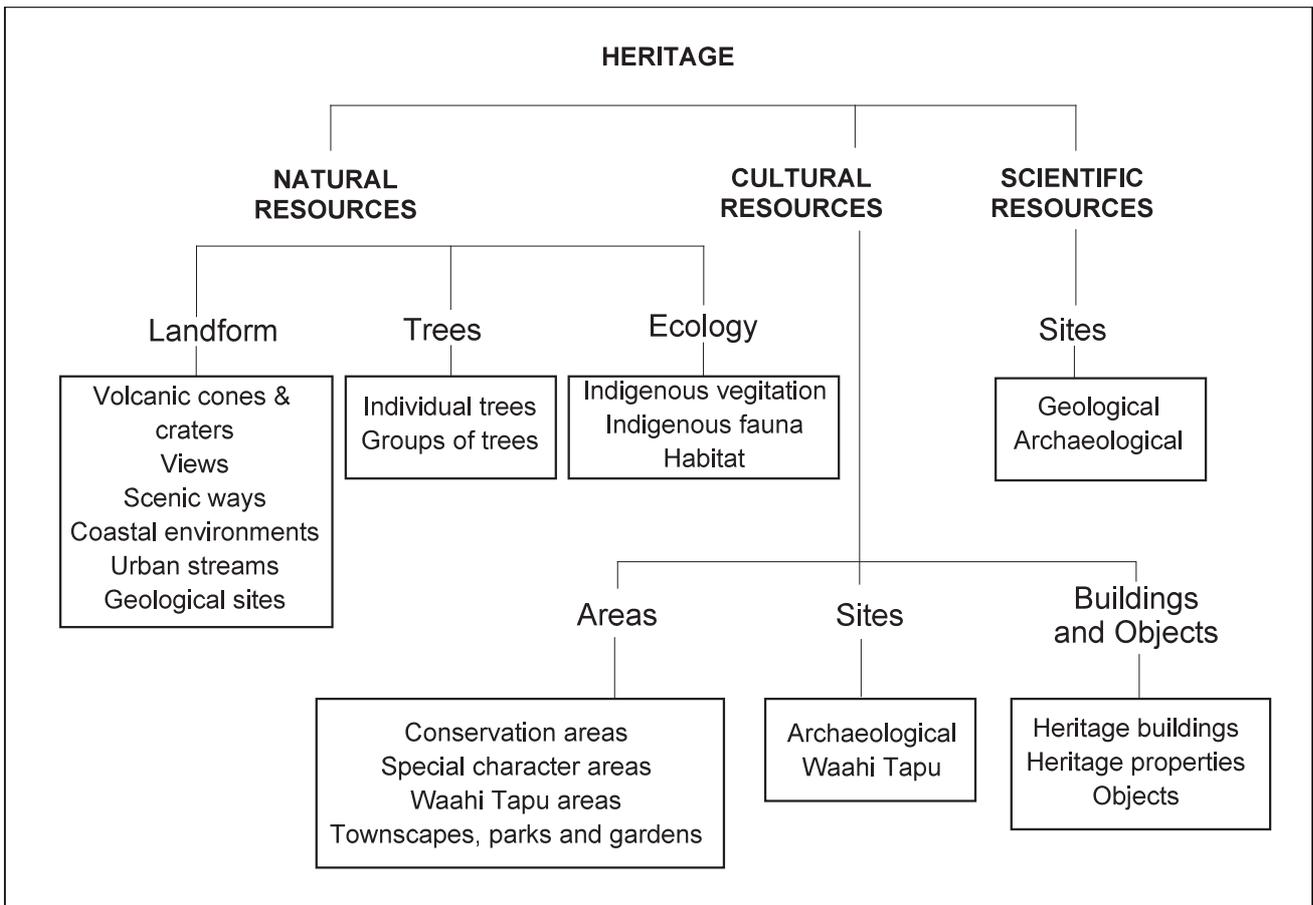


PART 5C - HERITAGE

5C.1 CONTENT AND STRUCTURE

Auckland has a rich legacy of widely appreciated heritage elements, both natural and built. The Plan has a particular responsibility to secure the preservation and maintenance of these resources for the experience and enjoyment of present and future generations as well as preserving their intrinsic values and finite characteristics. Heritage resources cover a wide spectrum. They range from dominant landscape features, like the volcanic cones; through to natural areas, historic buildings and highly regarded townscape inherited from former generations; to sites of high archaeological value.

The Plan addresses the heritage conservation issues in a variety of ways, from general zoning practices to development controls. This Part focuses on identifying selected heritage items, groups, categories and areas which require particular protection measures and procedures.



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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 broadly the reasons for the management approach and the anticipated results.

• Implementation

This sets out the methods of implementation adopted by the Plan; including particular interpretations and definitions and sets out the Plan's rules under the following headings:

- Buildings, Objects, Heritage Properties or Places of Special Value;
- Conservation Areas;
- Significant Ecological Areas;
- Trees;
- Archaeological Features;
- Geological Features;
- Maori Heritage Sites;
- Views;
- Character overlay.

5C.2 RESOURCE MANAGEMENT ISSUES

Heritage has received greater recognition than formerly under resource law. In managing the use and development of the district's natural and physical resources, the Council is required to have particular regard to the recognition and protection of the heritage value 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.

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 the identity and amenity the City offers its residents and visitors alike. The conservation of heritage areas, including traditional shopping centres can promote economic revitalisation. Auckland's various heritage resources combine to form a closely knit 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, cultural and scientific.

5C.2.1 NATURAL RESOURCES

Landform

Volcanic Cones: The Isthmus is appreciated for those unique physical qualities which contribute to its distinctive landscape; particularly its landform. Its singular landform derives from its two great harbours and exceptional volcanic origins. Volcanic cones dominate the landscape. They are of considerable importance to Maori and are of national and international significance because of this special relationship, their archaeological, their geological and their 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 available of these impressive features has been managed formerly by planning measures designed to preserve selected view shafts from important public vantage points. These measures derive from controls introduced through the initiatives of the 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 sightlines. The Plan must adopt similar protective measures to meet this important objective.

Measures are also required to ensure that the visual integrity of the cones themselves and their craters is preserved. Suitable land use management techniques, particularly the application of appropriate zoning, must be applied to secure both the open space attributes of the public land and to ensure that development of private land is sympathetic to the volcanic feature.

Prominent Landscape Features: Other important and widely appreciated views of heritage landscapes and landforms require protection. These include the conspicuous coastal cliffs whose visual qualities require special protection measures. 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.

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, too, require special protection measures in the Plan.

Water: The Isthmus' coastal environment is a particularly valuable natural heritage resource. This unique asset, and certain stretches of the urban stream pattern, require protection from unsuitable or visually unsympathetic development.

Natural Areas

Trees: Individually and collectively, trees represent a significant element of the Isthmus' landscape resources. They are the predominant natural heritage feature in some neighbourhoods. Many, located in roads and parks, are publicly owned. The majority are located on private land. Measures are required to identify and protect particular notable specimens as well as those which collectively contribute significantly to neighbourhood amenity or those which, in some circumstances, serve to help reduce the prospect of natural hazards.

Significant Ecological Areas: The Isthmus contains a range of remnant natural areas that contain indigenous vegetation and habitats of indigenous fauna. Indigenous natural areas have become so depleted on the Isthmus that the most significant remaining examples that make up the biodiversity of the region require scheduling. Significance can relate to ecological and visual aspects, including the rarity and quality of the natural area. The significance may relate to vegetation or habitat and/or the fauna and flora populations within or associated with it.

The extent and variety of these significant ecological areas need to be conserved and their qualities maintained and, where appropriate, improved. The Council has adopted a biodiversity strategy and the scheduling of significant ecological areas forms part of the implementation of that strategy.

5C.2.2 CULTURAL RESOURCES

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 destruction. Unsuitable development or use may contribute to this process. Most heritage resources are in private ownership. They may be scheduled in the Plan or subjected to Heritage Orders. The prime issue here arises from the relative fragility of such heritage resources in dynamic and evolving urban situations, their susceptibility to change through renewal or neglect, and the prohibitive cost of public acquisition for conservation of all but a relative few 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, in the alternative, 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.

Heritage Areas: Certain developed parts of the district display special built heritage characteristics. These qualities range from common building styles, derived from a particular era, to exceptionally well-planted urban environments. Appropriate planning techniques are required to conserve these qualities.

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

Heritage Sites: Significant archaeological and heritage features and waahi tapu sites have been identified on the Isthmus. These generally, but not exclusively relate to items of particular social and cultural heritage value to Maori. Where preservation of these can be ensured and disclosure will not put the items at risk, these should be scheduled for protection.

5C.2.3 SCIENTIFIC RESOURCES

Geological Sites : The Isthmus abounds with a rich variety of geological and geomorphological features. Exceptional examples require identification and scheduling.

5C.3 RESOURCE MANAGEMENT OBJECTIVES AND POLICIES

5C.3.1 OBJECTIVE

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

Policies

- By identifying, assessing, and protecting important heritage buildings, objects and places including landscape, ecological areas, trees, landforms, historic places 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 welfare of the feature.
- By defining, identifying and promoting the economic advantages of conservation of heritage places in public or private ownership.



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- By developing and introducing incentives for the conservation of heritage places.

5C.4 RESOURCE MANAGEMENT STRATEGY

Auckland City is a dynamic environment where change is expected. The conservation of heritage resources must acknowledge present day needs and circumstances. It must 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. Other forms of conservation incentives will be explored and introduced as the Plan develops.

The principal strategy adopted is to 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 the district's natural, cultural and scientific heritage resources.

5C.4.1 NATURAL RESOURCES

Landform

The unique Auckland landform offers the Isthmus 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 the Coastal ([PART 5B - COASTAL](#)) and Open Space ([PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#)) components of the Plan are fundamental complements to the heritage initiatives contained in this Part.

Volcanic Cones Protection

The heritage values of the volcanic cones derive from a number of attributes:

- unique visual contribution to the Isthmus' landscape;
- significance to Maori heritage, especially in relation to the mana of the tangata whenua;
- geological significance;
- recreation capabilities.

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

- visual protection is afforded by adopting special height controls to preserve strategic views;
- sites of archaeological significance, particularly Maori heritage sites, are scheduled;
- features of geological importance are scheduled;
- special open space zones are applied to the public land;
- privately developed land on the slopes is subject to special character residential zoning provisions;
- where particular views of the cones are not expressly protected by special height restrictions, non-compliance with standard zonal height limits will be considered in a manner appropriate to securing view protection for the cones.

Landscape Features

The singular composition of landform, dominant building presence and setting contribute to the unique visual quality of the War Memorial Museum. Special visual protection measures are applied to secure the highly appreciated views and aspect qualities associated with this heritage feature. Appropriate open space zoning is applied to preserve its environment.

Special protection measures applied to the Isthmus' coastal cliffines to secure their visual integrity are contained in the coastal provisions ([PART 5B - COASTAL](#)) of the Plan.

Water

The Plan's approach to the coastline and streambank protection is set out in the Coastal ([PART 5B - COASTAL](#)) and General Rules ([PART 4A - GENERAL RULES](#)) components of the Plan. There, measures are adopted to secure the heritage qualities identified in the coastal environment. This includes guidelines to manage development and activities along Tamaki Drive which is regarded as a primary Isthmus scenic way.

Ecological Areas

Ecological Areas are recognised in the Plan in a number of ways -

- Those Ecological Areas that are considered the most significant are marked on the District Plan maps. These identified sites are listed in a Schedule of Significant Ecological Areas in Appendix 3C of the Plan. The rules in the Plan control activities that may occur on or near these areas in order to ensure their physical conservation and maintenance of their function.
- In the coastal margin, all indigenous plants are protected from damage and clearance including effects associated with earthworks and the building of structures. Additional protection is given to trees on most of the naturally vegetated cliffines of the Isthmus (Part 5B.7)
- Coastal ecological areas will be subject to a requirement



for an esplanade reserve or strip, where it is proposed to subdivide or develop the land. (Part 5B.8).

- In Open Space 1, and 2 zonings the protection of indigenous vegetation is a priority. (Part 9).
- Many significant ecological areas are on council reserves.
- Financial contributions are taken for environmental purposes, particularly when adverse effects on significant ecological areas cannot be avoided or remedied. (Part 4B)
- The land subdivision provisions of the plan present opportunities to protect significant ecological areas by a contribution of land or by a conservation covenant, or by the imposition of conditions of consent.

Trees

The Plan recognises the environmental and heritage value of existing Isthmus trees in a variety of ways -

- General tree protection is afforded throughout all zones in the district.
- In the coastal margin, particular preservation measures are applied to secure the retention of existing mature trees which contribute largely to the visual quality of the coastal environment ([PART 5B - COASTAL](#)).
- Preservation of trees is a particular feature of the open space zones which are applied to those open spaces particularly regarded for their natural, scenic and visual qualities ([PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#)).
- On all of the Council owned reserves and on public roads, mature trees and those which have particular historic or botanic value are protected.
- The land subdivision provisions of the Plan present wide opportunity for securing the retention of significant trees either by contribution of reserve land or the imposition of conditions of consent ([PART 11 - SUBDIVISION](#)).
- Tree retention can also be arranged by applying appropriate resource consent conditions ([PART 4 - GENERAL PROVISIONS AND PROCEDURES](#)).

In this part of the Plan 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; historic/cultural, botanic and visual amenity value. They are scheduled to ensure their protection and rules are applied to achieve this.

5C.4.2 CULTURAL RESOURCES

These comprise a wide range of heritage features including objects, buildings, sites 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 particularly listed to record their special qualities, and encourage their preservation.

Heritage protection measures will 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. Council will identify and promote the economic advantages and other benefits of heritage conservation.

The demolition of unique or specially precious (Category A scheduled) items is a prohibited activity in the district. This is in recognition that the particular value of these items will be lost forever if they are demolished.

Certain built areas of unique heritage quality such as the Renall Street precinct are protected in the Plan as Conservation Areas where change is strictly controlled to maintain the area's unique character. In the term of the Plan, other areas of singular quality will be similarly identified and conserved.

As well, the Plan adopts other conservation measures:

- Selected built areas of particular heritage quality are zoned and controlled in a manner which ensures that change will have respect for the existing character and that the recognised heritage quality is maintained ([PART 7 - RESIDENTIAL ACTIVITY](#));
- Open space zoning can take account of and preserve particular areas and sites of significant historic value ([PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#));
- The business strategy includes provision for the creation of Centre Plans for selected retail centres. These plans will include heritage protection where appropriate ([PART 8 - BUSINESS ACTIVITY](#)).

Incentives to encourage the retention of privately owned heritage items are under examination. Specific concessions on development have been adopted. In the course of the Plan, others will be determined. In any event, 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 to present day circumstances while its features of cultural heritage value are preserved.



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

- Activities which are conducted in a heritage building at the time of its scheduling are deemed to comply with the provisions of the Plan and are exempt from the Plan's standard off-street parking requirements.
- Applications for resource consent for a heritage building or heritage property are exempt from Plan fees.
- Where a heritage property is the subject of an approved Conservation Plan, subdivision of the heritage building site or heritage property will be considered:
 - as a non-notified resource application for a discretionary activity and may be exempt from the Plan's standard subdivision requirements;
 - to be exempt from reserves contribution or development levy.
- Where a heritage building or heritage property is located within an area to which a Concept Plan or a Centre Plan applies ([PART 8 - BUSINESS ACTIVITY](#)), the opportunity for the transfer of the site's development rights will be examined. Transfer of development rights will not be granted where they are to be transferred to the site of another historic building.

5C.4.3 SCIENTIFIC RESOURCES

Certain features of special geological or geomorphological significance have been identified.

These have a particular scientific and educational value. Their unique nature is such that their sites are protected from unwarranted disturbance. Accordingly, the consent of the Council is required, before any work on the site is undertaken. 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 is excavated, modified, destroyed or any conditions imposed by the Council in relation to the site is implemented. Research will continue to be conducted to identify other features on the Isthmus of a similar quality which require protection.

5C.5 IMPLEMENTATION

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.

Scheduling

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

- Schedule of Buildings, Objects, Heritage Properties or Places of Special Value;
- Schedule of Notable Trees;
- Schedule of Archaeological Features;
- Schedule of Geological Features;
- Schedule of Significant Ecological Areas
- Schedule of Maori Heritage Sites (including Waahi Tapu Areas).

Conservation Areas

Conservation Area overlay provisions have been applied to specific areas of the Isthmus which display a considerable degree of unity in its scale and form. These provisions are applied to ensure that these small areas of the Isthmus retain their unique character; and remain as visible evidence of the particular style or era they represent.

Character Overlay

The character overlay provisions have been applied to eight town centres located within some of Auckland's traditional suburbs. These town centres display a combination of both character and broad heritage elements that contribute to the uniqueness of the particular centre. These provisions seek to foster the retention of the character of the town centres, by controlling change, encourage and promote appropriate protection and enhancement.

Development Controls and Activities

The development controls applied are specific to the heritage items they seek to protect. Exceptions are Conservation Areas and Waahi Tapu Areas. In the former, it is the particular character of a collection of sites or properties which the Plan seeks to protect; in the latter, the avoidance of unnecessary disturbance or interference to significant and sensitive waahi tapu sites is the main intent. 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.

Additional Measures

Conservation of Isthmus heritage values pervades much of the Plan. Matters of heritage importance are dealt with particularly by policies, zoning and development control provisions in various parts: [PART 5A - NATURAL RESOURCES](#); [PART 5B - COASTAL](#); [PART 7 -](#)



RESIDENTIAL ACTIVITY; PART 8 - BUSINESS ACTIVITY; PART 9 - OPEN SPACE AND RECREATION ACTIVITY; PART 10 - SPECIAL PURPOSE ACTIVITY; PART 11 - SUBDIVISION.

Financial Contributions

PART 4B - FINANCIAL CONTRIBUTIONS of this Plan allows the use of financial contributions as a means of protecting or conserving identified ecological and heritage features. Such contributions may be in the form of cash or land, works and services or a combination of these. A land contribution may be in the form of a conservation covenant. The application of financial contributions for environmental or heritage purposes will be on a negotiated basis between the Council and the land owner or developer. The relevant iwi representative and the relevant Heritage Authority (where these exist) will also be consulted to ensure that any financial contribution applied is effective in meeting the purposes of the Act and the intentions of this Plan. Any financial contribution will be required as a condition of a subdivision or land use consent.

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 ANNEXURE 1.

5C.6 INTERPRETATION AND DEFINITIONS

This describes and defines common terms employed in this Part.

Conservation

Means all the processes of looking after a place so as to retain its cultural significance. It includes general maintenance and may, according to the circumstance, include preservation, restoration, reconstruction and adaptation to new uses, and will be commonly a combination of more than one of these.

Conservation Plan

Means a document which sets out in detail what is significant in a place and what policies are appropriate to enable that significance to be retained in its future use and development.

Cultural Significance

Means aesthetic, historic, spiritual, traditional, scientific or social value for past, present or future generations.

Earthworks

Means earthmoving operations carried out by any means for development purposes and includes:

- i) The removal of vegetation;

- ii) The disturbance of land surfaces by moving, removing, placing or replacing soil, or by excavation or cutting or filling operations;
- iii) Contouring;
- iv) Road, driveway and access construction.

Fabric

Means all the physical material of a building site, object, or place of special value.

Heritage Property

With regard to scheduled items includes all aspects and fabric of the site, site surrounds, interior and exterior of buildings, objects and places, on, above and below ground, irrespective of age and condition, except where the scheduled description of the item contained in Appendix 1 specifically deems otherwise.

ICOMOS NZ Charter

The New Zealand Charter for the Conservation of Places of Cultural Heritage value is set out in APPENDIX 8 ICOMOS CHARTER. This charter provides a frame of reference and guidelines for all people who are involved in the conservation of places of cultural heritage value in New Zealand including scheduled items.

Maintenance

Means the continuous protective care of the fabric, and is to be distinguished from repair.

Preservation

Means maintaining the fabric in its existing state and retarding deterioration.

Reconstruction

Means returning a place as nearly as possible to a known earlier state and is distinguished by the introduction of materials (new or old) into the fabric. (This is not to be confused with restoration, replication, or conjectural reconstruction.)

Redecoration

Means the renewal, restoration, or new applications of, surface finishes, coatings, decorative elements, minor fittings and fixtures, and floor coverings; provided these actions do not destroy, compromise, damage, or impair the appreciation of the heritage values of the element being redecorated.

Repair

Means restoration or reconstruction beyond the definition of maintenance.

Restoration

Means returning the existing fabric of a place to a known earlier state by removing accretions and/or by reassembling



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existing components without the introduction of new material.

Scheduled Archaeological Feature

Means any feature which would normally come within the scope of professional interest in the field of archaeology, together with the land on which that feature is located, which is scheduled in Appendix 3 to the Plan. The land containing the archaeological feature is identified on the Planning Maps.

Scheduled Building, Object, Heritage Properties or Places of Special Value

Means any building, object, place or heritage property or groups of heritage items scheduled in Appendix 1 to the Plan and identified on the Planning Maps.

Scheduled Significant Ecological Area

Means any ecological area scheduled in Appendix 3C of the Plan and identified on the Planning Maps.

Scheduled Geological Feature

Means any feature which would normally come within the scope of professional interest of the field of geology, together with the land on or under the surface of which that feature is located, which is scheduled in the Appendices to the Plan. The land containing the geological feature is identified on the Planning Maps.

Scheduled Maori Heritage Sites

Means any Maori heritage site scheduled in Appendix 4 to the Plan, and identified on the Planning Maps.

Schedule of Notable Trees

Means any tree or group of trees scheduled in Appendix 2 to the Plan, and identified on the Planning Maps.

Site Surrounds

Includes all the curtilage of the place which may be a part of the original design or which has developed in a manner which compliments the place, the removal of which would detract from the inherent heritage significance and value of the place. Site surrounds includes all those things, such as trees, gardens, buildings and structures that are part of the heritage significance of the place and are located within the areas described above.

Unless otherwise specified in the Schedule in Appendix 1 as including additional lots, or part(s) of lots, site surrounds includes all land within the title boundary.

Such otherwise specified dimensions and limits for some specific heritage places are included in the schedule in Appendix 1, in place of the dot in the "surrounds" column indicating all land within the title boundary.

Waahi Tapu Areas

Mean any defined areas within which a significant and sensitive waahi tapu site is located.

5C.7 HERITAGE ITEMS

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

- Buildings, Objects, Heritage Properties or Places of Special Value;
- Conservation Areas;
- Significant Ecological Areas
- Trees;
- Archaeological Features;
- Geological Features;
- Maori Heritage Sites;
- Views;
- Character overlay.

5C.7.1 BUILDINGS, OBJECTS, HERITAGE PROPERTIES AND PLACES OF SPECIAL VALUE

5C.7.1.1 OBJECTIVE

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

Policies

- By identifying and protecting important heritage buildings, objects, properties and places by scheduling them in the Plan.
- By encouraging the use of protected buildings while ensuring that their valued features are not impaired or destroyed.
- By requiring the preparation of a Conservation Plan where it is necessary to ensure the proper management of a heritage property.
- By prohibiting the demolition of Category A scheduled items.

5C.7.1.2 STRATEGY

A. Scheduling

As part of its role in the preservation, protection and conservation of valued features of the City's physical environment, the Plan identifies certain individual buildings, groups of buildings, objects and places as being significant and worthy of protection in the public interest. Such items are listed in the "Schedule of Buildings, Objects, Heritage Properties or Places of Special Value" ([APPENDIX 1 SCHEDULE OF BUILDINGS](#)) and are identified on the Planning Maps. This schedule reflects those heritage buildings, objects,



properties and places which the Council considers warrant protection.

B. Listing

The Plan also contains another heritage list - the "Schedule of Buildings, Objects, Heritage Properties or Places subject to a Heritage Order" ([APPENDIX 1 SCHEDULE OF BUILDINGS](#)). This schedule includes those items and properties which are subject to a heritage order. A heritage order may be imposed by a Heritage Protection Authority, under Section 189 of the Act, to intervene 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 by heritage protection authorities who are 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. Heritage orders are applied by other authorised agencies or the Council.

C. Conservation Plans

The Plan requires all resource consent applications which in the Council's opinion involve significant work or alteration to a scheduled building, object, property or place to include a Conservation Plan as part of the application. The Conservation Plan is a document which identifies the heritage significance of a scheduled item and proposes policies to be observed when significant work or alteration is considered. 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. A Conservation Plan must include:

- A statement of the significance of the heritage item;
- The physical condition and structural integrity of an item;
- The physical conservation, action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration;
- Activities which may be compatible with the protection of the heritage item, and those which may be constrained by them;
- Policies 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, 3rd Edition 1990, copies of which are available for scrutiny in the Council's Corporate Office.)

D. Listed Buildings of Merit

In addition to the buildings scheduled for protection in the Plan, the register contains details of other buildings or objects which, in the Council's opinion, should be recorded as a matter of public information. Such features will not be protected by the Plan. Rather, the register identifies and recognises the worth of such buildings or objects. The register is available for public inspection at all reasonable times at the Council's Corporate Offices.

E. Categories

Scheduled items are classified into one of two categories. Within each of the categories protection is afforded either to a particular heritage building or object, or to a particular heritage property. A heritage property refers not only to a particular building or object but also to the site or area on which those features are located.

Category A

In this category are buildings, objects and places (or parts of these) which have outstanding natural beauty, or architectural, scientific or historical significance well beyond their immediate environs. It is of prime importance that items listed in Category A are protected. Category A classification gives Plan protection to the exterior of the building together with such other elements (interior, site) as are particularly specified in the schedule. The demolition of Category A heritage items is a prohibited activity in the district.

Category B

This category includes buildings, objects and places (or parts of these) of such quality and character that, although less significant than Category A items, they should not be wilfully removed, damaged or altered in a significant way unless there is a compelling reason. A Category B classification gives Plan protection to the exterior of the building together with such other elements (interior, site etc) as are particularly specified in the Schedule.

F. Criteria

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.

(a) Architecture

- **Style** - Notable, rare, unique, or an early example of a particular architectural style, type, or convention.
- **Construction** - Notable, rare, unique, or an early example of a particular material or method of construction.



- **Age** - Comparatively old in the context of the Auckland region.
- **Architect** - Designed or built by an architect or builder who has made a significant contribution to the community, region, or nation.
- **Design** - A particularly attractive or unique building because of the excellence, artistic merit, or uniqueness of its design, composition, craftsmanship, or detail.
- **Interior** - Interior arrangement, finish craftsmanship, and/or detail, are particularly attractive or unique.

(b) History

- **Person** - Associated with the life or activities of a person, group, organisation, or institution that has made a significant contribution to the community, region, or nation.
- **Event** - Associated with an event that has made a significant contribution to the community, region, or nation.
- **Context** - Associated with and effectively illustrative of, broad patterns of cultural, social, political, military, economic, or industrial history.

(c) Environment

- **Continuity** - Contributes to the continuity or character of the street, group of features or buildings, neighbourhood, or area.
- **Setting** - Setting and/or landscaping contributes to the continuity or character of the street, neighbourhood, or area.
- **Landmark** - A particularly important visual landmark.

(d) Usefulness

- **Compatibility** - Present activity is compatible with the current zoning of the site, street, or neighbourhood.
- **Adaptability** - Potentially adaptable to compatible re-use without harm to the architectural elements which contribute to its significance.
- **Public** - Capacity for needed public, educational, or museum use.
- **Services** - Adequately serviced and protected for contemporary use.
- **Cost** - Cost of preservation, restoration, maintenance, and/or interpretation is reasonable.

(e) Integrity

- **Site** - Occupies its original site.
- **Alterations** - Has suffered little alteration and retains most of its original materials and design features.
- **Condition** - Building is in good structural condition.

G. Expected Outcome

It is expected that as a result of being listed in the Schedule of Buildings, Objects, Heritage 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, it is hoped that 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 to the public on examples of our built heritage, and on how the City's built form has evolved over time.

H. Role of the Historic Places Trust

The Trust has a statutory register of historic places, historic areas, waahi tapu and waahi tapu areas. A resource consent application must be served on the Historic Places Trust if it relates to land subject to a heritage order or requirement for a heritage order or is otherwise identified in the Plan as having heritage value, or if it affects any historic place, historic area, waahi tapu or waahi tapu area registered by the Trust.

5C.7.1.3 RULES : BUILDINGS, OBJECT, HERITAGE PROPERTIES OR PLACES OF SPECIAL VALUE

A. Scheduled Buildings, Objects, Heritage Properties or Places not to be Destroyed or Altered

No person shall destroy, remove, add to, alter or damage any scheduled building, object, place, heritage property or part thereof without a resource consent, except that -

- i) This provision shall not preclude:
 - The redecoration, repair and/or insignificant alteration of any existing fabric, or detailing carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those features for which the item has been scheduled;
 - 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 features for which it was scheduled;



- In relation to 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;
 - 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).
- ii) For Category B buildings, unless the Plan otherwise provides, this provision shall not apply to the interior of the building or to its site surrounds.
- iii) No application for a resource consent will be considered for the demolition of a Category A scheduled item. (Refer also to Clause 4A.2C)

B. Work on Site

No person shall conduct or execute any use or work, except work described in (i) above, 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 feature(s) for which the item was listed.

C. Applications for Consent to Alterations and Additions to any Scheduled Item or Destruction of a Category B Scheduled Item

The Council will consider as a discretionary activity any application to restore or make alterations, or additions to all or part of any scheduled item. This includes any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting in association with that item. Applications for discretionary activity consent to demolish all or part of a Category B scheduled item will also be considered. Where such an application involves significant work or alteration to the scheduled item it must be accompanied by a Conservation Plan for the scheduled item. In considering the application the Council will have regard to the provisions of [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) and the following matters:

- The category in which the building, object or place or heritage property is scheduled and the reasons for which it has been scheduled. No application to demolish a Category A scheduled item will be considered;

- The nature, form and extent of the development, alteration or change. The effect of these factors on the character of the scheduled item and on the feature or features for which the item was scheduled;
- Evidence presented by the owner as to the consequences to the owner of the scheduling or other compelling reasons indicating why the work is necessary.

When considering the application the Council may invite opinion from the Historic Places Trust or other recognised heritage body as appropriate, except where the body concerned has objected to the application. A copy of a resource consent application may be required to be served on the Historic Places Trust (refer Clause [5C.7.1.2H. ROLE OF THE HISTORIC PLACES TRUST](#)).

The Council in determining an application for a discretionary activity resource consent may grant the consent subject to certain conditions. In particular the following matters may be addressed by conditions imposed on consent including:

- To conserve the original building/object fabric, limitations and/or restrictions may be placed on some or all of the following -
 - Cleaning techniques, materials and equipment
 - Surface preparations, coatings, chemicals and paints
 - Fixings and methods of fixing
 - Structural design solutions
 - Replacement materials, fittings and fixtures
 - Construction methods and techniques;
- To conserve the heritage significance of the item, limitations and/or restrictions may be placed on the architectural design and appearances of alterations and additions;
- Provisions of the ICOMOS NZ Charter where appropriate;
- Controls on signs, banners, flags and exterior lighting;
- Controls on the location of vehicle access points and parking areas;
- Controls on landscaping, including paths, fences and gates;
- Indication of commencement of work - any successful application to modify, damage or destroy a scheduled item may be required to give the Council 20 working days notice before work commences in order that records can be made of the item;



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- Manner in which a site is left - in the event of a building or object being totally demolished, the Council may impose a condition to ensure that the site is left appropriately clear, tidy and safe manner.

D. Applications to use a Scheduled Building or Heritage Property for other than a Permitted Activity

The economic viability of a scheduled building or heritage property may be a major factor in its protection. Where a resource consent application is made to use a scheduled building or heritage property for an activity which is not a permitted activity in the zone the issue of economic viability will be taken into account. Any such application will be required to satisfy the Council that:

- The proposed activity will positively encourage the protection and maintenance of the scheduled building or heritage property;
- The proposal is in accordance with the heritage objectives and policies of the Plan;
- The proposal will not have an adverse effect on the environment of the area.

(These criteria replace the resource consent criteria applicable in the underlying zoning).

Where consent is granted, conditions may be imposed which seek to ensure that the proposed activity will not adversely affect the scheduled building or heritage property and the reasons for which it has been scheduled. In addition, conditions relating to those matters outlined in (C) above and to the following may also be imposed:

- Restrictions on hours of operation;
- The provision of landscaping or screening to soften the impact of the activity on adjacent land.

E. Changes to the Heritage Property

(a) Permitted Activities

Earthworks not exceeding a total volume of 5m³ and affecting an area less than 2m² 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 in Clause 4A.4.6 **RULES: NETWORK UTILITY SERVICES**

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).

(b) Discretionary Activities

Except as provided for in subclause (a) above, any application 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 shall, where the heritage property has been identified as part of the scheduled item to be protected, require consent as a discretionary activity.

Any application will be assessed against the following criteria:

- The nature, form and extent of the development, alteration or change and the effect on the character of the heritage item and the feature or features for which the heritage item was scheduled;
- The nature, form and extent of any work on the site surrounds including the planting of trees and vegetation, any removal or significant pruning of trees and the effect on the character of the heritage item and the feature or features for which the item was scheduled.

Appropriate conditions may be imposed in relation to these matters.

5C.7.2 CONSERVATION AREAS

5C.7.2.1 OBJECTIVE

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

Policies

- By identifying, assessing and documenting appropriate localities as Conservation Areas.
- By applying appropriate development controls on Conservation Areas in addition to the standard zoning controls applicable in the area with the intent of fostering and enhancing the character of such areas.

5C.7.2.2 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 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 or original coastal clifflines, 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 the Residential 1-4 zones of [PART 7 - RESIDENTIAL ACTIVITY](#) provide for the protection of those features identified in (a) above while [PART 5B - COASTAL](#) and [PART 9 - OPEN SPACE AND RECREATION ACTIVITY](#) include 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 congregate 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 Plan therefore identifies on the Planning Maps specific Conservation Areas which are applied to a limited number of unique sites within the Isthmus.

The intention of Conservation Areas is to maintain the unique authenticity of character of a whole area against development, demolition or other works which are not in sympathy with the era or style to be conserved. Controls are imposed on activities and developments within defined Conservation Areas to ensure this. Conservation Areas may include individual heritage items which are scheduled in their own right for protection.

While these controls seek to maintain the special character of the Conservation Areas, it is acknowledged that the general character of these areas is also 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 undergrounding), and street planting programmes where appropriate, which are sympathetic to the objectives and policies of the Conservation Areas.

A. Criteria for Conservation Areas

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:

- convey a visual sense of the overall historic environment;
- be an arrangement of historically or functionally related sites;
- be substantially unchanged since the period of significance;
- demonstrate that the majority of the components that make up the Conservation Area's character possess integrity.

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

- by changes such as density, scale, type, age, style of sites, buildings, structures and objects;
- 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:

- elements which are spatially discrete;
- spaces between the elements are not related to the significance of the district;
- visual continuity is not a factor in the significance of the Conservation Area.

Applications for resource consents under [Clause 5C.7.3 TREES](#) will be assessed taking into account specific criteria which apply to the Conservation Area concerned.

B. Conservation Areas : Character Statements

The Plan identifies the following Conservation Areas on the Isthmus.

Conservation Area A : Renall St, Ponsonby

Conservation Area B : Part Herne Bay Road

Conservation Area C : Ardmore Rd, Wanganui Ave, Albany Rd and Part Trinity St

Conservation Area D : Part Elgin St, Grey Lynn

Conservation Area E : Cooper St, Arch Hill

Conservation Area F : Burnley Terrace & Part King Edward St, Mt Eden

Conservation Area G : Monte Cecilia Park



For individual Character Statements refer [APPENDIX 7 Conservation Areas : Character Statements](#).

C. Expected Outcomes

The environment of a Conservation Area is one where built form or landscape character predominates and is finely articulated and united historically or aesthetically by form or physical character. 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 complimentary and in keeping with the character.

5C.7.2.3 RULES : CONSERVATION AREAS

The following rules are in addition to the provisions of the underlying zoning of the sites in a Conservation Area.

Each reference in these rules to the particular character or architectural, historical or other significant features, or environment or street appearance of a character area, shall relate to the relevant character statement in Appendix 7.

A. Scheduled Buildings, Objects, Heritage Properties, Places or Notable Trees

Any scheduled building, object, place, heritage property or tree located within a Conservation Area is required to comply with the provisions of [Clauses 5C.7.1 BUILDINGS, OBJECTS, HERITAGE PROPERTIES AND PLACES OF SPECIAL VALUE](#) and [5C.7.3 TREES](#). Those provisions take precedence over the provisions for Conservation Areas.

B. Demolition, Removal, Alteration or Addition to any Non-Scheduled Building or Feature or Construction of any New Building

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

- 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;
- Redecoration, repair or alterations which are internal;

- 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.

(b) Applications for resource consent.

The Council will consider as a restricted discretionary activity (refer [Clause 4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES](#)) any application to demolish, construct a new building, make alterations or additions to any building or feature within a Conservation Area. This includes any application to place, fix, paint or extend a sign, attachment, flag, banner or lighting.

In considering such an application the Council will have regard to the provisions of [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) and the following matters:

- The nature, form and extent of the development, alteration or change and its effect on the particular character of the Conservation Area;
- Evidence presented by the owner as to the compelling reasons why the work is necessary;
- Provisions of the ICOMOS NZ Charter where appropriate (refer [APPENDIX 8](#));
- Where demolition or removal of a building is proposed, it will need to be demonstrated that such action will not significantly affect the streetscape appearance of the Conservation Area and will not destroy the Conservation Area's unified entity.

The Council, in determining an application for a restricted discretionary activity resource consent, may impose conditions. In particular the following matters may be addressed by conditions:

- Manner in which a site is left - 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 an appropriately tidy and suitable state, in keeping with the character of the Conservation Area;
- Indication of commencement of work - any successful application may be required to give the Council one month's notice before work commences in order that appropriate records can be made of the item;
- The retention of any trees or significant areas of planting which contribute significantly to the particular character of the Conservation Area.

(c) Criteria for External Additions or Alterations to Existing Buildings on the Site.



The Council has published Architectural Design Guidelines (refer [ANNEXURE 4](#)) to assist property owners and to aid in understanding the effect of the criteria listed below.

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 as new elements.

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 zone have been met and that:

- Additions or alterations to the street elevation of the building shall be avoided unless they accurately recover original detail;
- 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;
- Any external addition or alteration of any existing building, building fabric or detailing shall be carried out in a manner and design and materials similar to those originally used and which do not detract from the architectural character of the building;
- 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;
- Alterations and additions shall be in keeping with the architectural and historic form, proportions and style of the existing dwelling or commercial building on the site as the case may be;
- Timber weatherboards, corner boxes, freize boards, gutter boards, copings, joinery, facings, ornament and trim shall be retained where these are present, and where they are damaged, be replaced to match the existing patterns as opportunity permits;
- 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;

- Any existing traditional fencing at the front boundary shall, as far as possible, be preserved or reinstated after development.

(d) Criteria for the Construction or Relocation of Residential Units (within the density limits specified in Clause [7.7.2.1 DENSITY](#)) or any New Building or Structure or Accessory Building.

The Council has published Architectural Design Guidelines (refer [ANNEXURE 4](#)) to assist property owners and to aid in understanding the effect of the criteria listed below.

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 (be it a residential unit or accessory building), the Council must be satisfied that the relevant objectives and policies for the zone have been met and that:

- 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 over that character;
- The building shall be so positioned as not to detract from the continuity of the front facade alignment of the dwellings in the vicinity;
- Any existing traditional fencing at the front boundary shall, as far as possible, be preserved or reinstated after development.

C. Application to use 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:

- 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;
- The proposal accords with the objectives and policies for heritage in the Plan and does not offend the objectives and policies of the relevant zone;
- The proposal will not have an adverse effect on the particular character, or the environment of the Conservation Area.



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(The above criteria take precedence over the resource consent criteria applicable in the underlying zoning).

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:

- Restrictions on signs;
- Controls on the location of vehicle access points and parking areas;
- The provision of landscaping and screening to soften the impact of the activity on adjacent land;
- Restrictions on the hours of operation.

D. Use and Development within Conservation Area G: Monte Cecilia Park

The following provisions apply in addition to those applying under the Open Space 1 and Open Space 5 zoning of Monte Cecilia Park including permitted activities within the Pah Homestead (Monte Cecilia Park) Concept Plan (G08-17), temporary activities under Part 4A.1 and under Part 5C for any scheduled items (see clause 5C.7.2.3A). For avoidance of doubt, where other rules apply (excluding clause 5C.7.2.3B and 5C.7.2.3C which are not applicable to Conservation Area G: Monte Cecilia Park), the most onerous activity status shall apply.

(a) Permitted Activities

- Temporary activities in accordance with Part 4A.1C except where an element of the activity is otherwise provided for as a restricted discretionary activity or discretionary activity.
- Temporary marquees, stages and similar structures provided that:

Either:

- (a) They have a cumulative area not exceeding 100m²;
- (b) The height does not exceed 5m;
- (c) They do not require footings, fixings or other disturbance of the ground (that is, they are weighted and self-supporting); and
- (d) They are in place for no longer than 5 days inclusive of time required for establishing and removing all structures,

Or:

- (ii) They comply in all respects with the relevant provisions and requirements of the Site Surrounds Management Plan approved by Council under the provisions of the Pah

Homestead (Monte Cecilia Park). Concept Plan (G08-17).

- Works of art (including sculptures) and marquees that are consistent with the Site Surrounds Management Plan prepared and approved by Council under the provisions of the Pah Homestead (Monte Cecilia Park) Concept Plan (G08-17).
- Demolition, removal, alteration or addition to buildings other than those subject to section 5C.7.1.3 except that this clause shall not permit additions and alterations to buildings located at 595 Mount Albert Road.
- Works affecting indigenous and exotic trees (including the roots and rootzones) which are specified below as an exemption to the restricted discretionary activities.
- Earthworks provided that:
 - i) They are not within the Area of Archaeological Sensitivity identified in Figure 2 included in the Character Statement for Conservation Area G: Monte Cecilia Park in Appendix 7; and
 - ii) They are outside the roots and rootzone of trees and/or the earthworks relate to a tree activity which is exempt from restricted discretionary activity status below; and
 - iii) They do not exceed a total volume of 5m³ and affect an area less than 2m² in any one earthworks operation.

(b) Restricted Discretionary Activities

Notwithstanding clause 4.3.2.6 which provides for restricted discretionary activities in the Auckland Council District Plan (Auckland City Isthmus Section) to be exempt from notification provisions of the Resource Management Act, restricted discretionary activities under 5C.7.2.3D (excluding removal and demolition of non-scheduled buildings clause 5C.7.2.3B, and general tree protection controls 5C.7.3.3C) are to be assessed against s95A-95F of the Act.

- Earthworks not provided for as a permitted activity.
- Structures and buildings not provided for as a permitted activity.
- For all trees:
 - i) Any activity or use that cuts, damages, alters, injures, destroys or partially destroys any trees; or



- ii) Any activity or use, excavation, deposition of material, construction, work, emplacement of services, storage or other activity in, on, above or under, the roots and rootzone of any trees.

Exceptions to this rule, where carried out by or under the instruction of Council parks arborist, are as follows:

- Any pruning or maintenance in accordance with accepted arboricultural best practice.
- Removal of any self-seeded or volunteer juvenile exotic tree less than 6m high.
- The removal of any tree or part of a tree that is dead or that is suffering from an untreatable disease which has caused a significant decline in its health. (Evidence shall be produced if required).

Note: Where any element of uncertainty exists as to the likely fate of the tree, the benefit of the doubt will be given to the tree survival by not removing it until such time as its irreversible decline is obvious.

- Work immediately necessary to avoid injury to persons or damage to property.
- The removal of any tree (regardless of its state of health) which has been positively identified as suffering from any notable dangerously infectious disease such as Dutch elm disease, or which is required under the Biosecurity Act 1993 or subsequent amendments.
- Any tree subject to an order made under S129c of the Property Law Act 1952.

Note: The Council considers itself to be an interested party in any proceedings where an order is sought under the above Act.

- Any other activity not provided for as a permitted activity.

Note: Exceptions under the General Tree Protection Rules (5C.7.3.3 C) do not apply to trees within the Conservation Area G: Monte Cecilia Park, other than here provided for above.

(c) Assessment Criteria for Restricted Discretionary Activities

- (i) When considering an application for a restricted discretionary activity the Council has restricted its discretion and may impose conditions relating to the following matters. Applications will be assessed having regard to Appendix 7 – Character Statement for Conservation Area G: Monte Cecilia Park including Figure 2 and the extent to which:

- The proposed use or development promotes:
 - Appropriate temporary events within Monte Cecilia Park;
 - The dominant *arts*, and *cultural activity and/or natural display* activities and significant ancillary conferences, meetings and functions activities provided for in the Open Space 5 zone concept plan area; and
 - The passive recreation activities as intended by the Open Space 1 (as applicable to the zoning of the land affected).
- Adverse effects on the heritage landscape values of the Park and the visual/spatial relationship between the Park and the Pah Homestead building are appropriately avoided, remedied, or mitigated;
- Maori cultural values of the land are recognised and provided for and any adverse effects on these are appropriately avoided, remedied, or mitigated (this may include cultural monitoring);
- Adverse effects on archaeological values of the Park including in particular, features identified on Figure 2 forming part of the Character Statement for Conservation Area G: Monte Cecilia Park in Appendix 7, are appropriately avoided, remedied, or mitigated;
- Where earthworks are proposed within the landform protection area identified on Figure 2 forming part of the Character Statement in Appendix 7, adverse effects on geological values of the Park are appropriately avoided, remedied, or mitigated;
- Adverse effects on arboricultural and ecological values of the Park are appropriately avoided, remedied, or mitigated;
- Adverse effects on the health or viability of trees and their roots and rootzones arising from any use, excavation, deposition of material, construction work, emplacement of services, storage or other activity are appropriately avoided, remedied or mitigated;
- Use or development is consistent with the provisions of the Pah Farm Conservation Plan (or any update or replacement thereto); and
- Any relevant outstanding matters arising from consultation undertaken with the New Zealand Historic Places Trust.



- (ii) An application for use or development should include a review of the Pah Farm Conservation Plan and if it has the potential to erode the values of Monte Cecilia Park (as identified in the Character Statement for Conservation Area G: Monte Cecilia Park in Appendix 7) it will require a revision of the Conservation Plan and preparation of a management plan with systems and processes (including provision for monitoring and review) to enable the use or development while not eroding the identified values.

Note: The above criteria take precedence over the resource consent criteria applicable in the underlying zones.

5C.7.3 TREES

5C.7.3.1 OBJECTIVE

To protect trees and groups of trees which significantly contribute to the district's amenity.

Policies

- By identifying and protecting notable trees in public and private ownership.
- By protecting mature trees and groups of trees as an important character element in maintaining and enhancing the environment of the district.
- By identifying and protecting trees where they are necessary for the purposes of the avoidance of natural hazards.
- By continuing the practice of planting trees in roads and on public reserves and protecting these from unnecessary interference or destruction.
- By protecting and promoting trees as a food source to attract valued wildlife back into our environment.

5C.7.3.2 STRATEGY

Trees have an important ecological, environmental and cultural role. They have an important contribution to make in the sustainable management of natural and physical resources of the Isthmus. Collectively they endow the landscape with distinctive environmental quality and charm.

The environmental or practical relationship between people and trees is fundamental to existence. Without trees and green plants the earth's ecology would be non-existent. In the City this factor is important, because trees play a role in sustaining the ecological balance between nature and technology, between the organic and the inorganic. Trees therefore contribute to the community's health and well-being.

Trees have important environmental functions in the City:

- Visual amenity - trees introduce a dynamic living element, and a sense of scale, harmony and softness to the man-made environment. They complement the built environment and establish connections between buildings, sites, and the surrounding landscape;
- Noise buffers - trees may help to reduce noise levels in certain situations;
- Weather shields - trees may reduce the intensity of wind effects, provide shelter from rain and the sun, provide protection from rising ultraviolet levels and reduce heat created by buildings and road surfaces;
- Land stabilisers - trees play an integral part in the avoidance of natural hazards, reducing water runoff, preventing flooding, stabilising soils, preventing landslips and reducing erosion;
- Atmospheric effect - 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;
- Heritage - trees can represent a living sense of continuity between the past, present and future. The continued existence of significant trees is important to our heritage and to the legacy we leave to future generations;
- Habitat - trees are essential for providing shelter, breeding and nesting sites and food sources for our wildlife.

A. Notable Trees

The Plan recognises the value of notable trees as community assets and has adopted a system of identifying and protecting notable trees, both as individual specimens and as groups. These trees are listed in the "Schedule of Notable Trees" [APPENDIX 2](#) and identified on the Planning Maps.

Three categories of notable trees have been identified as worthy of recognition and protection.

(a) Historic/Cultural Value

- associated with or commemorating an historic event.
- associated with or planted by an historic or notable figure.
- of spiritual or cultural value.

(b) Botanic Value

- any significant tree of species rare in the region or New Zealand.
- any tree or group of trees of ecological significance providing an important habitat



(including nesting sites and food sources) for wildlife.

- any tree particularly outstanding for its species in relation to its form, large diameter, height, age or canopy spread.

(c) Visual Amenity Value

- any tree or trees that have significant landmark value due to their location.
- any tree or trees which make a significant contribution to the visual amenity of the immediate neighbourhood.
- any tree or trees which have outstanding value because of screening or beautification functions.

In determining whether trees are worthy of protection the following factors are considered.

Size - the height, girth and canopy spread of the tree.

Form - whether the tree is well shaped with a balanced branch system, and how well the trunk contributes to its visual appearance.

Occurrence of the Species - this category is assessed according to the numbers of the species found in the local area.

Indigenous Status - this category gives particular recognition to New Zealand's unique indigenous trees. Particular recognition is given to those trees that only occur locally or regionally.

Useful Life Expectancy - this factor is assessed from the date of evaluation and takes into consideration any factors which may limit the tree's life span such as its state of health, its position in relation to existing development.

Age - an estimate of the tree's age at the time of evaluation.

Physiological Appropriateness - the appropriateness of the situation is assessed in terms of its physiological suitability for the health of the tree.

Public Accessibility - how physically accessible the tree or group of trees is to the public.

Visual Appropriateness to the Site - the appropriateness of the tree to its setting within the site.

Visual Contribution to the Landscape - 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.

Viewing Audience - this category examines how many people would notice the loss of the tree.

Presence of Other Trees - whether the tree is seen visually as a solitary specimen or part of a group.

Contribution of Group Character - the significance of the contribution of the tree to a visual grouping.

Associated with an Historic Event or Figure - the tree may have been planted to commemorate, or may be associated with an historic event, or the tree may have been planted by or have strong associations with a person(s) of historic importance to the City, or to New Zealand.

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

B. Trees on Roads and Unzoned Land

Throughout the district there are significant plantings of trees both on the roads, and some on unzoned land. 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 historic or botanic value. Significant examples of such trees are included on the Schedule of Notable Trees.

C. General Tree Protection

The Plan makes provision for the protection of trees over a certain size throughout the district. The purpose of this particular control is to ensure that the existing general tree cover within the City is retained wherever possible. The rules are designed to reduce the risk of serious or irreparable damage being done to the local environment through unnecessary or undesirable tree removal.

Although the tree control has as its main motivation, the retention and conservation of trees which make a positive contribution to the quality of the environment, it does not imply an absolute ban on the cutting or removal of trees. For example, trimming, in accordance with the definition in 5C.7.3.3C, is provided for throughout most of the city. Rather it is to ensure that any work on trees is neither done in haste nor executed without care. In appropriate cases consent may be refused.

D. Expected Outcomes

It is expected that the provisions will result in the retention of trees of value to the public, to wildlife and the neighbourhood in which they are located. As a result of scheduling, the public awareness of the range and complexity of the City's flora and fauna heritage will be increased.

There also should be a reduction in the risk of serious or irreparable damage being done to the local environment through tree removals or works to trees that are unnecessary or that will have an adverse effect on the



amenities of the neighbourhood. The continued presence of trees in roads and reserves should provide visual amenity and reduce adverse environmental effects.

The illegal removal or damage of trees in contravention of the Plan's rules is an ongoing problem on the Isthmus. The Council considers such action unfavourably and will use its powers of enforcement under the Act to take legal proceedings to the Courts where appropriate.

5C.7.3.3 RULES : TREES

A. SCHEDULED TREES

(a) Protection of Scheduled Trees

No person shall without a resource consent:

(i) Cut, damage, alter, injure, destroy or partially destroy any scheduled tree (including its roots); or

(ii) Within the dripline of any scheduled tree

- Alter the soil levels or water table by addition or excavation
- Store materials, vehicles or machinery
- Discharge or disperse any toxic substance or emplace any weed control membrane
- Undertake any use, excavation, construction work or other activity;

Except that this shall not preclude:

- The regular minor trimming or the maintenance of any tree undertaken by hand operated secateurs or pruning shears, in accordance with accepted arboricultural practice;
- The felling or destruction of any tree by the Council or a statutory authority, when this is required as an emergency work to maintain or restore power and communication links; or to safeguard life or property. In such circumstances the authority concerned shall notify the Council, in writing, within two weeks as to the reason for the felling or destruction.

(b) Trimming or Maintenance of Scheduled Trees

The trimming or the maintenance of any tree in accordance with accepted arboricultural practice not covered in the foregoing clause is deemed to be a controlled activity.

An application for a controlled activity will be assessed as to:

- The necessity for carrying out the works;
- The extent of the trimming and maintenance of the tree; and the method to be employed.

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

(c) Alteration or Destruction of Scheduled Trees

An application to destroy or substantially trim any scheduled tree, or any substantial part thereof is a discretionary activity, and will be assessed against the criteria below.

An activity within the dripline of any scheduled tree is a discretionary activity and will be assessed against the following criteria:

- The necessity for carrying out the works;
- Where the removal or destruction of a tree is proposed, the Council must be satisfied that circumstances exist which may include dangerous, diseased or damaged conditions; compliance with any statutory or legal obligation; significant or unusual hardship; or any other cogent reason;
- Any alternative methods and locations available to the applicant for carrying out the work or activities;
- The objective and policies set out in Clause [5C.7.3.1 OBJECTIVE](#);
- The extent to which the tree or trees contribute to the amenity of the neighbourhood;
- Whether or not the proposed activities within the dripline are in the opinion of the Council likely to damage the tree or endanger its health;
- Provisions of the ICOMOS NZ Charter where appropriate.

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

- The requirement to pay a bond to ensure that a scheduled tree is not damaged or destroyed during the carrying out of pruning and maintenance or works or activities in the dripline area;
- The requirement to provide a replacement tree where a scheduled tree is removed or destroyed, and where it is appropriate having regard to the amenity of the area.

B. TREES ON ROADS AND UNZONED LAND

(a) Protection of Trees on Roads and Unzoned Land

The Council will continue its practice of planting trees on roads. The Council will not remove any tree:



- greater than 6m in height or with a girth (measured 500mm above the ground) greater than 600mm; or
- which is of historic or botanic value;

from any road or unzoned land except where the tree is dead, dying, or in a dangerous condition so as to require immediate removal.

Note: Reference should be made to the Auckland City Delegation Register to identify the Council officers delegated to authorise such removals.

Any application for consent to carry out removal of trees on roads and unzoned land (other than those that are dead, dying, or in a dangerous condition), shall be by way of an application for a restricted discretionary activity - refer Clause [4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES](#).

In considering such an application the Council shall consider the following matters:

- The opinion of a Council arborist and the relevant Community Board member nominated as its tree representative;
- The public benefit to be gained or degree of necessity for removal;
- Whether it is possible to successfully relocate the tree;
- Whether the tree is to be replaced by another tree in close proximity, appropriate to the location in relation to size, appearance, health and condition;
- Any alternative methods which may be available to the applicant in the achievement of his/her objectives including consideration of variation to specified development controls where this would encourage retention and enhancement of existing large trees on the site;
- The extent to which the tree or trees contribute to the amenity of the neighbourhood both visually and physically, including contributions as habitats for birds and other animals;
- Any function the tree may have in conservation of water and soil;
- The actions of the applicant in regard to the tree.

(b) Works in the Vicinity of Trees on Roads and Unzoned Land

Where the provision of network utility services or any other works are proposed to be carried out within the dripline of any tree on a road or unzoned land, an application shall be made for a resource consent for a restricted controlled activity (refer Clause [4.3.2.5 RESTRICTED CONTROLLED ACTIVITIES](#)).

Exceptions to this control:

- The resealing of existing sealed roads, footpaths, driveways etc, provided all reasonable steps are taken to ensure the resealing works will not damage or compromise affected trees;
- The felling or pruning of trees or excavation within the dripline where this is an emergency work to restore power, communication links, services or utilities. This exception applies to genuine emergencies only and shall not be applied to routine maintenance work nor to the upgrading of services for which a resource consent is required.

In considering such an application Council shall refer to [ANNEXURE 5](#) guidelines for carrying out work in the vicinity of trees and consider:

- The public benefit or degree of necessity concerned;
- Any alternative methods and locations available to the applicant for providing the utility or carrying out the work;
- The objective and policies set out in Clause [5C.7.3.1 OBJECTIVE](#);
- Whether the activity is likely to cause disturbance to the wildlife habitat of the trees (nesting birds in particular);
- The extent to which the tree or trees contribute to the amenity of the neighbourhood;
- Whether the activity is likely, in the opinion of the Council, to damage the tree or endanger its health.

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

- The requirement to pay a bond to ensure that the tree is not damaged or destroyed during the carrying out of pruning and maintenance or works or activities in the dripline area;
- The requirement to provide a replacement tree where a tree is removed or destroyed, where it is appropriate having regard to the amenity of the area.

(c) Vehicle Access and Trees on Roads

Where vehicular access is proposed across the dripline of any tree on a road, an application is required for consent as a restricted discretionary activity refer Clause [4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES](#).

In considering such an application, Council will consider the following matters:

- The necessity for providing the access;



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- The method proposed for providing the access;
- Alternative methods and locations for providing the access;
- Where applicable, previous applications regarding access to the land;
- Whether it is possible to relocate the tree.

Conditions may be imposed on any consent to an application, and may include those matters outlined in Clause 5C.7.3.3B(b).

C. GENERAL TREE PROTECTION

The following rule only applies to sites throughout the Isthmus that do not meet the definition of “urban environment allotment” in Part 13.

No person shall, without a resource consent (except as provided for below -

- i) Cut, damage, alter, injure, destroy or partially destroy the following trees.

In the Residential 3a zone:

- indigenous trees (including the roots) over 6m in height or with a girth (measured at 1.4m above the ground) greater than 600mm;
- exotic trees (including the roots) over 8m in height or with a girth (measured at 1.4m above the ground) greater than 800mm except for Araucaria heterophylla (Norfolk Island pine);
- Araucaria heterophylla (Norfolk Island pine) (including the roots) over 10m in height or with a girth (measured at 1.4m above the ground) greater than 800mm.

All other zones throughout the Isthmus :

- indigenous and exotic trees (including the roots) over 6m in height or with a girth (measured at 1.4m above the ground) greater than 600mm except for Araucaria heterophylla (Norfolk Island pine);
- Araucaria heterophylla (Norfolk Island pine) (including the roots) over 10m in height or with a girth (measured at 1.4m above the ground) greater than 800mm.

Note: In the case of a tree with multiple trunks (such as Pohutukawa) the girth measurement shall be the aggregate or collective measurement of all trunks which have a circumference of 250mm or more.

- ii) Carry on, conduct or undertake any use, excavation, deposition of material, construction, work, emplacement of services, storage or other activity in, on, above or under, the dripline (branch spread) of

any tree described in (i) above, which in the opinion of Council endangers or is likely to endanger that tree.

Exceptions to this control

- Trimming of the canopy (excluding the roots) of any tree which does not damage its health. Such works shall be limited to no more than 20% of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.

If the trimming is undertaken by a qualified arborist or arboriculturalist, such works shall be limited to no more than 30% of live growth removal in any one year and must be in accordance with currently accepted arboricultural practice, ensuring that the natural form and branch habit of the tree species is maintained.

- If the trimming rule above does not apply, any regular minor trimming or maintenance effected by hand operated secateurs or pruning shears, in accordance with the accepted arboricultural practice.
- The removal of any tree or part of a tree that is dead or that is suffering from an untreatable disease which has caused a significant decline in its health. (Evidence shall be produced if required).

Note: Where any element of uncertainty exists as to the likely fate of the tree, the benefit of doubt will be given to the tree survival by not removing it until such time as its irreversible decline is obvious. Before removing any affected tree, consultation with the Council’s arborist is strongly advised.

- Work immediately necessary to avoid injury to persons or damage to property. In such circumstances the person undertaking the work shall notify the Council in writing within 7 days of the work commencing as to the reason for the work.
- The actions of any statutory authority in carrying out of work authorised by statute. In such circumstances the authority concerned shall notify the Council in writing no later than 7 days prior to the work commencing as to the reason for the work.
- The removal of any tree (regardless of its state of health) which has been positively identified as suffering from any notable dangerously infectious disease such as Dutch elm disease.
- The destruction of any of the following: (Except those included on the Notable Trees Schedule, [APPENDIX 2](#) to this document.)
 - Acacia species (wattle) - all except Acacia melanoxylon (Tasmanian blackwood)
 - Eucalyptus cinerea (silver dollar gum)



- *Acmena smithii* (acmena or lillypilly)
- *Phoenix canariensis* (phoenix palm)
- *Ligustrum* species (privet)
- *Salix* species (willow)
- *Hakea salicifolia*
- Any tree species grown primarily for its edible fruit
- Any tree listed as a noxious plant under the Noxious Plant Act 1978 (repealed) or listed as a pest under an approved Pest Management Strategy prepared in accordance with the Biosecurity Act 1993.

(**Note:** Pest Management Strategies prepared under the Biosecurity Act 1993 will replace the list of noxious plants under the Noxious Plants Act 1978 by June 1996 or as soon as the Strategies are approved).

- Any tree subject to an order made under S129c of the Property Law Act 1952.

(**Note:** The Council considers itself to be an interested party in any proceedings where an order is sought under the above Act).

- Work immediately necessary at the time of an emergency to remove the cause of or mitigate any actual or likely adverse effect of the emergency, including but not limited to providing adequate access to any person or property by any emergency service vehicle.

Any application for the Council's consent to carry out any of the activities described in (i) and (ii) above, shall be by way of an application for a restricted discretionary activity - refer Clause [4.3.2.6 RESTRICTED DISCRETIONARY ACTIVITIES](#).

In assessing an application the Council shall consider the guidelines for the carrying out of works in the vicinity of trees contained in Annexure 5 and the following matters:

- The Plan objectives and policies, particularly those in respect of the zone involved;
- The applicants' need to obtain a practicable building site, access, a parking area, or to install engineering services to the land;
- Any alternative methods which may be available to the applicant in the achievement of his/her objectives including consideration of variation to specified development controls or alternative design options where this would encourage retention and enhancement of existing large trees on the site;

- Whether the tree can be relocated;
- All previous applications made in respect of the land which involved consideration of treescape conservation;
- The extent to which the tree or trees contribute to the amenity of the neighbourhood both visual and physical, including contributions as habitats for birds and other animals;
- Any function the tree may have in conservation of water and soil;
- The actions of the applicant in regard to the tree;
- The extent to which the tree or a part of the tree is, in the opinion of a Council arborist, structurally unsound;
- Whether removal of the tree would be beneficial to the health and growth of existing, more appropriate trees on the site, taking into account the size, appearance, health and condition of those existing trees;
- The impact of the tree on ground stability.

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

- The requirement to provide adequate protection to a tree(s) during construction work in the vicinity;
- The requirement to pay a bond to ensure that a tree(s) is not damaged or destroyed during the carrying out of pruning and maintenance or works in the vicinity;
- The requirement to enter into a covenant over the title of the land where consent has been granted from one or more development controls in order to retain a tree(s);
- The requirement to provide a replacement tree or trees (where a tree(s) is removed) elsewhere on the site or in the near vicinity, where this is appropriate. The replacement tree(s) shall be of a size and species which is approved by the Council, having regard to the amenity of the area. Indigenous trees are favoured for their role as a food resource and habitat for native birds.

Tree Plan to accompany applications

All applications for resource consent shall be accompanied by an accurate plan of the positions of existing trees on the site, the location of the development proposals and (if relevant) the vehicle path for any building intended to be moved to or from the site.



5C.7.4 ARCHAEOLOGICAL FEATURES

5C.7.4.1 OBJECTIVE

To protect valuable archaeological features which contribute to the City's heritage.

Policies

- By identifying and scheduling archaeological features significant for their historic, cultural, scientific, educational and visual amenity value.
- By identifying other recognised archaeological features as a matter of public information.

5C.7.4.2 STRATEGY

The Plan provides for the protection of selected archaeological features because of their historic, cultural, scientific, educational and visual amenity value. Archaeological features are protected from alteration or destruction whilst making provision for professional archaeological excavation. These features are listed in the Schedule of Archaeological Features, ([APPENDIX 3A](#)) and are identified on the Planning Maps.

Listed Sites of Merit

In addition to the sites scheduled for protection in the Plan, the Council holds a register that contains details of other sites which, in Council's opinion should be recorded as a matter of public information. Such features will not be protected by the Plan.

A. Criteria for Scheduling Archaeological Features

Any feature or material included in the Schedule shall be considered against the following criteria.

(a) Historic and Cultural Value

Whether the feature or material is:

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

(b) Scientific/Educational Value

Whether the feature or material will:

- Increase our understanding of past lifestyles, zoology, or botany.

(c) Visual Amenity

Whether the feature or material will:

- Individually or collectively make a significant contribution to the character of the neighbourhood, area or region;
- Forms an important visual landmark, contributing to a sense of identity, location and orientation within the urban area.

B. Register of Scheduled Items

Particulars of scheduled archaeological features are entered into a register which is available for public inspection at all reasonable times at the Council Corporate Offices. The register will also contain details of other archaeological features which in the Council's opinion should be recorded as a matter of public information.

For archaeological sites the New Zealand Historic Places Trust maintains a list of recorded sites which are protected. Under the Historic Places Act 1993, all sites are protected whether or not they are recorded. No destruction or modification of any archaeological site whether scheduled or not may take place without prior authority from the Trust.

Expected Outcomes

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

5C.7.4.3 RULES : ARCHAEOLOGICAL FEATURES

A. Scheduled Archaeological Features

- No person shall without a resource consent, excavate, physically investigate, damage or alter any scheduled archaeological feature or part thereof. This includes the removal of soil, structures or trees; the reconstruction of any feature; or any other activity, use or work in the vicinity of the scheduled feature which is likely to endanger, damage or destroy, or detract from, the scheduled feature.
- No person shall plant any vegetation on or in the vicinity of any scheduled archaeological site, which in the opinion of Council is likely to cause damage to



or detract from the feature(s) for which the item has been scheduled.

Except that the foregoing provisions shall not preclude:

- Routine maintenance and repair of existing lawns, gardens, structures and signage;
- The carrying out of minor works which in Council's opinion would not endanger, damage, destroy or detract from the values for which the site or feature has been scheduled. In assessing the effect of the works proposed, the Council may consult with the New Zealand Historic Places Trust or other heritage authority with an interest in the site or feature unless they are a party to any proceedings before Council.

B. Alteration and Destruction of Scheduled Features

An application for the excavation, damage, alteration, reconstruction or destruction of any scheduled archaeological feature will be considered as a discretionary activity, except for such applications on land zoned Mixed Use zone: Orakei Point, which will be considered as a restricted discretionary activity. Such applications will be assessed against the following:

- The nature, form and extent of the proposed modification and its effect on the feature or features for which the item was listed;
- The necessity for the modification and any alternative methods and locations available to the applicant for carrying out the work or activities;
- The Plan objectives and policies for heritage;
- The purpose of the proposed modification, and whether there is sufficient time, and expertise to record the features to be modified;
- The provisions of any relevant management plan;
- Provisions of the ICOMOS NZ Charter where appropriate.

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 requirement for a formal archaeological excavation and site recording of any feature before the work commences. A condition relating to the provision of time for such activity may also be imposed.

In addition to the requirements of the District Plan, it should be noted that the Historic Places Act 1993 requires all applicants to obtain consent from the New Zealand Historic Places Trust before any archaeological site is excavated, modified, destroyed or any condition imposed by Council in relation to the site is implemented. The

Historic Places Trust has particular statutory responsibility under the Historic Places Act 1993 for all archaeological sites, whether recorded or not.

5C.7.4A GEOLOGICAL FEATURES

5C.7.4A.1 OBJECTIVE

To protect valuable geological features which contribute to the City's heritage.

Policies

- By identifying and scheduling geological features significant for their scientific, historic, cultural, educational and visual amenity value.
- By identifying other recognised geological features as a matter of public information.

5C.7.4A.2 STRATEGY

The Plan provides for the protection of selected geological features because of their scientific, historic, visual or educational value.

Geological features are protected from alteration or destruction whilst making provision for very minor professional geological sampling for scientific study. These features are listed in the Schedule of Geological Features (Appendix 3B) and are identified on the Planning Maps.

Listed Sites of Merit

In addition to the sites scheduled for protection in the Plan, the Council holds a register that contains details of other sites which, in Council's opinion should be recorded as a matter of public information. Such features are not protected by the Plan.

A. Criteria for Scheduling Geological Features

Any feature or material included in the Schedule shall be considered against the following criteria.

(a) Historic and Cultural Value

Whether the feature or material is:

- Associated with the activities of a person, group, organisation or institution that has made a significant contribution to the field of geology;
- Associated with an event that has made a significant contribution to the neighbourhood, area or region;
- Associated with and is effectively illustrative of broad patterns of cultural, economic or industrial history;
- Of particular significance to the Maori, or other ethnic groups for its religious, mythological, spiritual or other symbolic significance.



(b) Scientific/Educational Value

Whether the feature or material will:

- Increase our understanding of past geological, botanical, zoological, or volcanic activity;
- Provide scientific reference material for comparative identification purposes (a geological type location or reference locality).

(c) Visual Amenity

Whether the feature or material will:

- Individually or collectively make a significant contribution to the character of the neighbourhood, area or region;
- Forms an important visual landmark, contributing to a sense of identity, location and orientation within the urban area.

B. Register of Scheduled Items

Particulars of scheduled geological features are entered into a register which is available for public inspection at all reasonable times at the Council Corporate Offices. The register will also contain details of other geological features which in the Council's opinion should be recorded as a matter of public information.

Expected Outcomes

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

5C.7.4A.3 RULES : GEOLOGICAL FEATURES

A. Scheduled Geological Features

- a) No person shall without a resource consent, excavate, physically investigate, damage or alter any scheduled geological feature or part thereof. This includes the removal of soil, rock, geological remains, structures or trees; the reconstruction of any feature; or any other activity, use or work in the vicinity of the scheduled feature which is likely to endanger, damage or destroy, or detract from, the scheduled feature.
- b) No person shall plant any vegetation on or in the vicinity of any scheduled geological site, which in the opinion of Council is likely to cause damage to or detract from the feature(s) for which the item has been scheduled.

Except that the foregoing provisions shall not preclude:

- Routine maintenance and repair of existing lawns, gardens, structures and signage;
- The carrying out of minor works which in Council's opinion would not endanger, damage, destroy or detract from the values for which the site or feature has been scheduled. In assessing the effect of the works proposed the Council may consult with the Geological Society of New Zealand Inc., or other heritage authority with an interest in the site or feature, unless they are a party to any proceedings before the Council;
- Earthworks in the Orakei Basin, the St Heliers explosion crater and the Robertson Hill scoria cone geological sites less than 5m³ or with a visible face height of less than 2m on any one site or in any one earthwork operation. This exception does not apply to the Orakei Basin archaeological site D11-10.

B. Alteration and Destruction of Scheduled Features

An application for the excavation, damage, alteration, reconstruction or destruction of any scheduled geological feature will be considered as a discretionary activity, except for such applications on land zoned Mixed Use Zone: Orakei Point, which will be considered as a restricted discretionary activity. Such applications will be assessed against the following:

- The nature, form and extent of the proposed modification and its effect on the feature or features for which the item was listed;
- The necessity for the modification and any alternative methods and location available to the applicant for carrying out the work or activities;
- The Plan objectives and policies for Part 5C of the Plan;
- The purpose of the proposed modification and whether there is sufficient time and expertise to record the features to be modified;
- The provisions of any relevant management plan;
- Any evidence or submission invited by the Council from any person or body having specialist knowledge or interest relevant to the proposal, except where the body or person has objected to the proposal;
- The degree to which the feature or features have already been modified to the extent that further modification will not cause significant additional loss of geological information.

Additional Criteria for the Mixed Use Zone: Orakei Point

- Whether the proposed modification is necessary to give effect to the objectives and policies of the Mixed Use Zone: Orakei Point and the Orakei Point Master Plan.



- The extent to which the geological sites have been or will be recorded in accordance with good geological documentation practices.
- Whether an opportunity has been provided to geological researchers to visit the geological site.

In considering an application to modify any geological feature the Council may impose any condition considered appropriate to the particular application, including conditions relating to site recording and/or sampling of any feature before the work commences. A condition relating to the provision of time for such activity may also be imposed.

5C.7.5 MAORI HERITAGE SITES

5C.7.5.1 OBJECTIVE

To protect sites of heritage value to the Maori.

Policy

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

5C.7.5.2 STRATEGY

The recognition and protection of Maori heritage sites is considered by the Act 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 Canoe boarding places, burial grounds (urupa)

Tapu battlefields, areas of spiritual significance.

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. Any activity proposed for that defined area will be required to apply for a discretionary activity consent so that the Council may be sure the specific waahi tapu is not disrupted or interfered with.

Expected Outcomes

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

5C.7.5.3 RULES : MAORI HERITAGE SITES

A. Scheduled Maori heritage sites will be subject to the same controls as scheduled archaeological features - refer Clause [5C.7.4.3 RULES : ARCHAEOLOGICAL FEATURES](#).

In making a decision on an application under those provisions, the Council will act in consultation with an appointed iwi representative.

B. Any activity located within a defined waahi tapu area will be required to apply for a discretionary activity resource consent. Such an application will be subject (in addition to any other resource consent criteria) to the following criteria:

- The effect the activity will have on the significant waahi tapu site located within the area in terms of disruption or interference to the site itself;
- The effect on the requirement that the site remains unidentified to the general public;
- The ability of iwi to access the sites when appropriate.

In considering an application the Council will act in consultation with an appointed iwi representative.

5C.7.6 VIEWS

5C.7.6.1 GENERAL OBJECTIVE

To identify and protect views of important visual landmarks and of the Harbours and the Gulf.

Policy

- By protecting existing views of certain landmarks the Harbours and the Gulf by limiting development on sightlines from important vantage points.

5C.7.6.2 GENERAL STRATEGY

Views of the harbours, the coast, volcanic cones and landmark buildings are valued by residents and visitors to the district. 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 the feature need protection to enable continuing appreciation of their visual and heritage values.



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Important landscapes, landforms, seascapes and buildings include:

- The volcanic cones of Auckland;
- Auckland War Memorial Museum;
- Selected views from the Waitemata Harbour;
- Selected views of the Waitemata Harbour and Hauraki Gulf;
- The Upper Manukau Harbour and Manukau Heads as seen from the vicinity of the Onehunga motorway;
- Views of Panmure Basin.

Many important views are currently protected by zone height and development controls contained in the Plan and are therefore not under immediate threat from taller structures. It is however appropriate to apply view protection provisions above such sites now, in anticipation that increasing intensification of use and bulk will, with time, put pressure on currently unencumbered views.

Expected Outcomes

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

A. VOLCANIC CONES

5C.7.6.3 OBJECTIVES

- *To protect significant views of the City's volcanic cones.*
- *To protect the Maori cultural significance and mana of the City's volcanic cones.*
- *To protect the landmark qualities of the volcanic cones.*

Policy

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

5C.7.6.4 STRATEGY

The volcanic cones of Auckland give the City a particular sense of identity and place. They have been shaped by a succession of eruptions of the volcanic field Auckland is located on, and by the history and activities of Maori through the last 1000 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. The volcanic cones 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. Visually and aesthetically, the volcanic create a strong impact. They are the most powerful icon of Auckland.

The major cones are seen largely unobstructed from many places around the City and they also provide unique natural vantage points from which to view the Isthmus and wider Auckland.

The Plan therefore imposes special height limits on certain areas in the district to protect significant views to the volcanic cones on the Isthmus. Usually the maximum zonal height is below the height permitted by the volcanic sightlines. In general only where the volcanic sightlines are below the maximum zonal height will it be necessary to refer to the special height limits. However in some areas the zonal height exceeds that permitted by the volcanic sightline. Applications to exceed the volcanic sightlines special height limits will be considered as a non-complying activity resource consent. As a general rule such applications will be notified.

5C.7.6.5 RULES : VOLCANIC CONES

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower, lift tower or advertising sign that exceeds the volcanic sightlines special height limits identified in the Planning Maps without a resource consent. In determining height in this regard, the rolling height method shall be used (refer Figure 13.3 in [PART 13 - INTERPRETATIONS AND DEFINITIONS](#)). Any application for such a consent shall be considered as a non-complying activity. In considering such an application the Auckland Regional Council is deemed in each case to be an affected body.

Any application shall include an assessment of the effects on the environment made in accordance with [PART 4 - GENERAL PROVISIONS AND PROCEDURES](#) of the Plan. This assessment shall, in addition, include:

- (a) Plans and written material to describe the nature, extent and form of the built object;
- (b) A visual impact assessment shall include an assessment of the extent to which the non-complying object obscures the protected view of the volcanic feature. In assessing the degree of intrusion into the protected view the following criteria will be considered -
 - i) The silhouette of the volcanic feature, including the lower slopes.
 - ii) The amount of unencumbered greenspace visible on the volcanic feature from the viewing point(s) selected in (b) above.
 - iii) The extent to which the non-complying object constitutes a visually competing intrusion into the background or foreground of the unencumbered view of the volcanic feature;



- c) A cultural impact assessment which should include an assessment of the extent to which the non-complying object detracts from the cultural significance of the volcanic cone.

For the purposes of this rule, cultural significance means aesthetic, historic, scientific or social value for past, present and future generations as outlined in Clause [5C.7.6.4 STRATEGY](#).

In applying its discretion the Council will consider:

- Any policies and objectives of this Plan relevant to the circumstances of the application;
- The necessity for the infringement and any alternative methods available to the applicant for carrying out the works which would meet the requirements of the Plan;
- The assessment of the effects of the environment as requested above;
- The assessment of the effects on the cultural significance of the volcanic cone(s) as requested above;
- Ways in which any adverse effects may be mitigated;
- Reasonable adherence to Plan requirements.

B. AUCKLAND WAR MEMORIAL MUSEUM

5C.7.6.6 OBJECTIVE

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

Policy

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

5C.7.6.7 STRATEGY

The 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 easily 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 is dependent on height limitations placed over a defined area of Parnell. These controls limit building height, and include parapets; chimneys, communications antennas, support structures, housing, ornamental towers, lift towers, building services components, and advertising signs.

5C.7.6.8 RULES : AUCKLAND WAR MEMORIAL MUSEUM

Height Limits

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower, lift tower or advertising sign that exceeds the height limits within the areas identified on the Planning Maps to protect views to or from the Auckland War Memorial Museum, without a resource consent. Any application for such a consent shall be considered as a non-complying activity.

In assessing such an application the Council will consider:

- The nature, extent and form of the proposed non-complying feature;
- The extent to which the proposed non-complying built element will obscure the protected view to and from the War Memorial Museum;
- The extent to which the proposed non-complying element constitutes a visually competing intrusion into the foreground or background of the unencumbered view to and from the Museum.

Conditions may be imposed on any consent to a non-complying activity to ensure that the integrity of views to the War Memorial Museum are not jeopardised.

C. NEWMARKET VIADUCT

5C.7.6.9 OBJECTIVE

To preserve views of the Waitemata Harbour and Mt Hobson from the Newmarket Viaduct.

Policy

- By taking account of particular harbour views in assessing resource consent applications.

5C.7.6.10 STRATEGY

Panoramic views of Auckland encompassing the Waitemata Harbour, Rangitoto and the volcanic cone of Mt Hobson, are clearly visible from the Viaduct. Provisions are included to ensure that these views are not unduly disrupted by the construction of tall buildings within the defined view shafts.



5C.7.6.11 RULES : NEWMARKET VIADUCT

Applications that seek to exceed the maximum height permitted for buildings and structures in the zones affected by the view protection area identified on the Planning Maps will be assessed taking into account the intent of the view protection provision and the following criteria:

- The nature, extent and form of the proposed non-complying feature;
- The extent to which the non-complying built element obscures the protected views;
- The extent to which the non-complying built element constitutes a visually competing intrusion into the foreground or background of the unencumbered view shaft.

D. ONEHUNGA MOTORWAY

5C.7.6.12 OBJECTIVE

To preserve views of the Upper Manukau Harbour and Manukau Heads as seen from the vicinity of the Onehunga Motorway.

Policy

- By taking account of particular Harbour views in assessing resource consent applications.

5C.7.6.13 STRATEGY

Unobstructed views of the Upper Manukau Harbour, and at a distance, the Manukau Heads can be gained from the vicinity of the Onehunga Motorway. Provisions are included to prevent overheight buildings from impinging on these views.

5C.7.6.14 RULES : ONEHUNGA MOTORWAY

Applications for resource consents in the zones affected by the view protection area identified on the Planning Maps will be assessed taking into account the intent of the view protection provision and the following criteria:

- The nature, extent and form of the proposed non-complying feature;
- The extent to which the non-complying built element obscures the protected views;
- The extent to which the non-complying built element constitutes a visually competing intrusion into the

foreground or background of the unencumbered view shaft.

E. DILWORTH TERRACE HOUSES, PARNELL

5C.7.6.15 OBJECTIVE

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

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 publicly accessible vantage points.

5C.7.6.16 STRATEGY

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 of them from a selected view 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.

5C.7.6.17 RULES : DILWORTH TERRACE HOUSES

Applications that seek to exceed the maximum height permitted for buildings and structures in the zones affected by the view protection area identified on the Planning Maps will be assessed taking into account the intent of the view protection provision and the following criteria:

- The nature, extent and form of the proposed non-complying feature;
- The extent to which the non-complying built element obscures the protected views;
- The extent to which the non-complying built element constitutes a visually competing intrusion into the foreground or background of the unencumbered view shaft.



F. PANMURE VIEWS

5C.7.6.18 OBJECTIVE

To protect locally important views relating to the Panmure area.

Policy

By adopting measures which prevent defined significant views from the Panmure area from being compromised or lost by the erection of new buildings and man-made structures.

5C7.6.19 STRATEGY

Views of the Panmure Basin are important in their own right because the Basin is a unique and ancient geological feature of scientific and aesthetic interest. The views of the Basin provide a unique amenity for the Panmure shopping centre and are an important asset in maintaining the legibility and distinctiveness of the centre, which is a focus of community activity. The Basin is also of great significance to the local community of Panmure as a key feature of its sense of place and heritage.

The volcanic cone of Maungarei/Mt Wellington is one of the major landmarks in its area and has great significance for the local community as a key element of its sense of place and identity. It is part of the natural and cultural heritage of both Maori and Pakeha. For Maori the cone is sacred and waahi tapu. Visually and aesthetically, it creates a strong impact. However, the regional views of the mountain do not necessarily protect locally important views that come from a closer and more intimate vantage. These local views link the image of the mountain to the local place by framing it in the context of local buildings and streets that are vitally important to the local community and the preservation of its particular heritage.

The protection of these local views is also important to the city in that it helps preserve the heritage of one of its earliest settlements.

5C.7.6.20 RULES : PANMURE VIEWS

Height Limits

No person shall erect any building, structure, parapet, chimney, communication device, tank or building services component, ornamental tower, lift tower or advertising sign that exceeds the height limits within the areas identified on the Planning Maps to protect the identified views to Maungarei/Mt Wellington or Panmure Basin, without a resource consent. Any application for such a consent shall be considered as a noncomplying activity.

In assessing such an application the Council will consider:

- The nature, extent and form, including matters such as building mass, colour, roofline and materials, of the proposed noncomplying element;
- The extent to which the proposed infringing element will obscure the protected view, or compromise its focal and contextual elements;
- The extent to which the proposed infringing element constitutes a visually competing intrusion into the foreground or background of the unencumbered view to the Panmure Basin or Maungarei/Mt Wellington;
- The extent to which the noncomplying element is required to achieve strategic public recreation and community outcomes.

Conditions may be imposed on any consent to a noncomplying activity to ensure that the integrity of the identified views are not jeopardised.

5C.7.7 SCENIC WAY

5C.7.7.1 OBJECTIVE

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

Policies

Natural and Physical Resources

- By maintaining the identity and visual consistency of the Tamaki Drive area through the identification of the Tamaki Drive Scenic Way in the Plan.
- By applying a range of District Plan measures to conserve, protect and enhance the natural and physical resources, and preserve the natural character of the Tamaki Drive coastal environment.
- By minimising vegetation removal and promoting suitable revegetation of indigenous species within the Tamaki Drive Scenic Way.
- By particular attention to earthworks control to ensure that no dangerous or unsightly conditions are created which are likely to impair the appearance or to create hazards within the Scenic Way.

Heritage Values

- By recognising and protecting resources of natural, cultural, scientific and heritage value within the Tamaki Drive Scenic Way.
- By identifying and scheduling salient parts of the cliffline to recognise its value as an exceptional geological formation.



Use and Development

- By ensuring that use, development and protection of the natural and physical resources of the Tamaki Drive Scenic Way are achieved in a fully integrated manner which maintains the identity and visual consistency of the Scenic Way through:
 - i) avoiding impairing existing views to and from the harbour and salient landscape features within the Tamaki Drive Scenic Way;
 - ii) maintaining existing public access to the seaward side of Tamaki Drive and the Harbour;
 - iii) ensuring that the present open space aspect of the area is maintained;
 - iv) ensuring that new buildings and structures are designed in harmony with those existing buildings and structures which reflect the historical and maritime character of the area; and that their scale, form, colour and siting does not detract from the natural scenic qualities of the area.

Access

- By facilitating public access to and the enjoyment of the Tamaki Drive Scenic Way in locations and at a level which does not adversely affect the character of the Scenic Way.

Maori

- By recognising and providing for Maori values and principles with regard to matters affecting the Tamaki Drive Scenic Way.

5C.7.7.2 STRATEGY

The scenic roadway known as Tamaki Drive is a significant and valued resource of the City and the Region. It is an important roadway, giving immediate access to the harbour and the adjacent parks and reserves. The areas adjacent to Tamaki Drive give it a unique scenic and visual amenity which the Plan seeks to recognise and protect. To achieve the protection of this amenity the Plan applies particular measures within a defined scenic way.

Natural and Physical Resources

The Tamaki Drive Scenic Way contains significant natural landscape features, many of which have been affected by development. To protect these features, as far as practicable, from further modification or degradation, the Plan applies the following measures:

- A Coastal Management Area is defined which applies to all land which has a direct relationship with the Eastern Bays coastline. Activity and development is controlled accordingly;

- Coastal Protection Yards have the effect of limiting activities and development immediately adjoining the coastline;
- The Tamaki Drive Cliffline Tree Protection affords special protection to the trees which contribute significantly to the Scenic Way environment;
- Special earthwork provisions are applied to protect the coastal area;
- A general tree protection control applies on all properties;
- Trees on roads and reserves are subject to particular protection measures;
- The Open Space 1 (Conservation) zone is applied to conserve salient cliffline reserves;
- Extensive use of Open Space 2 (Informal Recreation) zoning ensures that the low intensity development on parks and reserves in the Scenic Way is assured.

Heritage Values

The Tamaki Drive Scenic Way is particularly rich in heritage resources. The Plan makes special provisions to ensure their preservation, through:

- Scheduled buildings, objects, heritage properties and places of special value;
- Scheduled trees and groups of trees;
- Scheduled archaeological features;
- Scheduled geological features, with particular attention to important clifflines.

Use and Development

Due to the unique scenic and visual amenity of the Tamaki Drive Scenic Way, the Plan's strategy towards use and development within it is conservative, particularly on publicly owned land. The following measures apply:

- Zoning of publicly owned parks and reserves for conservation or informal recreation;
- Applying precise leisure complex controls within a Concept Plan on the Okahu landing area;
- Opposing marina development and reclamation in the Coastal Marine Area;
- Encouraging the adoption of Centre Plans for the commercial areas within the Scenic Way which will recognise their unique location through specially designed controls on signage, parking, design and appearance;
- Applying the Coastal Management Area with its particular controls on buildings and structures;
- Applying the Coastal Protection Yard;



- Controlling signage throughout the Scenic Way with special provisions in the business zones by way of [bylaw](#) control. See also [Part 27](#) of the Bylaw and [Part 27.8](#)

Access

The Tamaki Drive Scenic Way is a major destination for visitors. It is important to ensure the free flow of traffic on Tamaki Drive, and ample public access to the foreshore.

Within the Plan the primary method of achieving this is to control land use and parking. The measures adopted to achieve this are:

- Low intensity open space zoning along the seaward side of Tamaki Drive.
- Centre Plans for the commercial centres which can initiate particular parking and traffic solutions for each centre.
- Coastal Management Area and Coastal Yard provision which control and restrict the construction of buildings and structures.

Maori

The coastal environment and other land within the Tamaki Drive Scenic Way has particular significance to Maori. The Scenic Way contains places, sites and objects of historical, spiritual and cultural significance which are associated with the occupance of the land by the iwi who have mana whenua. In recognition of this the Plan adopts the following measures:

- Application of the Special Purpose 4 zone to the hapu land of the Ngati Whatua o Orakei as defined in the Orakei Act;
- Protection of former pa sites and other sites of importance to Maori in the schedule of archaeological sites.

Tamaki Drive Design Guidelines

The Tamaki Drive Design Guidelines provide particular policy and design guidelines which indicate a method of achieving the Plan's objective and policies for resource management within the Tamaki Drive Scenic Way but other methods may be employed which demonstrably satisfy these.

5C.7.7.3 RULES: SCENIC WAY

Any activity that requires a resource consent that is on land within the Tamaki Drive Scenic Way as defined on the Planning Maps shall be assessed in terms of the policies in 5C.7.7.1 as well as other relevant District Plan and/or statutory criteria. Compliance with the Auckland City Design Guidelines - Tamaki Drive will be deemed to satisfy

such assessment but other methods may be employed that demonstrably satisfy the policies in 5C.7.7.1.

5C.7.8 SUNLIGHT ADMISSION TO PUBLIC PLACES

5C.7.8.1 OBJECTIVE

To ensure that selected public places receive adequate sunlight.

Policy

- By applying sunlight admission protection controls to selected public places.

5C.7.8.2 STRATEGY

The admission of sunlight is considered essential to the continued public enjoyment of public places within certain commercial centres. To ensure that the specified public places will be in sunshine for those times of the day when they are most intensively used the Plan imposes a sunlight admission control.

At present the control is applied to sites in the vicinity of the Broadway Reserves in Newmarket. This is to ensure that sunlight admission to the pleasure areas of the reserves is protected. The control may be applied to other public places, through the Plan change procedures where the need to protect sunlight admission arises.

5C.7.8.3 RULES : SUNLIGHT ADMISSION

No building shall be erected that would prevent sunlight access to those portions of Broadway Reserves identified in Diagram D09-39, Appendix B of the Planning Maps between the hours from 10.00am to 2.00pm of each day (New Zealand Standard Time) in the period from 14 August each year to 13 April in the following year.

The Council will require information and plans from the applicant describing the effect of any proposed buildings or additions on sunlight admission to the Reserves.

5C.7.9 SIGNIFICANT ECOLOGICAL AREAS

5C.7.9.1 OBJECTIVE

To protect natural areas which significantly contribute to the ecological quality and to the biodiversity of the District.



Policy

- By identifying and protecting significant ecological areas in public and private ownership.

5C.7.9.2 STRATEGY

A. Scheduling

The Council will seek to safeguard those remaining natural habitats and ecosystems on the Isthmus that play an important ecological role in maintaining and enhancing biological diversity. In order to fulfil this role the Council has identified certain areas as being significant and worthy of protection. These areas are listed in the "Schedule of Significant Ecological Areas" (Appendix 3C) and they are identified on the Planning Maps. Where the ecological feature is on private land, the criteria enable the construction of a single residential unit on vacant sites.

B. Categories

The scheduled ecological areas are classified into three categories. Category A lists the bush areas that the Council considers have the most ecological value. Category B lists the bush areas that the Council considers have high ecological value and also contain a predominance of exotic species on their fringes.

Category C contains those areas where the plant life is mostly exotic. However, various indigenous species use these areas and this gives the areas a high ecological rating.

The categories are explained below, in more detail.

Category A

In this category, the significant natural areas are recognised for their higher ecological value or vulnerability. Category A areas tend to be the older, rarer areas that retain a high degree of natural value. It is of prime importance that the values of the areas listed as Category A are protected and, where appropriate, enhanced.

Category B

Category B areas often contain more weed species or younger, more common vegetation types that are not nationally rare. It is more appropriate to consider mitigation for activities in areas within this category as long as these areas are managed in a manner that will maintain the ecological values that they support. If appropriate, mitigation on other parts of the site or at an offsite location, through revegetation, will enable similar sorts of communities to establish within a reasonable timeframe.

Category C

Category C is for areas that are predominantly covered in exotic plant species that also provide a habitat for indigenous species. This category includes coastal wading birds high tide roosts and could include significant breeding areas. These areas need to be managed in a manner that will maintain the ecological values that they support.

Criteria for Scheduling Ecological Areas

The importance of each of the Significant Ecological Areas has been assessed against the following criteria:

- a) the naturalness of the area when compared to similar ecosystems within the relevant ecological district or environmental domain;
- b) the extent to which an area is of sufficient size to maintain its intrinsic values;
- c) the natural diversity of species, natural communities and ecosystems, including diversity along environmental gradients;
- d) the importance of the area to indigenous fauna;
- e) the degree to which there has been cumulative loss of the extent and species diversity of this type of ecosystem from the prehuman state within the ecological district or environmental domain;
- f) the rarity of the ecosystem or community;
- g) the presence of threatened species;
- h) the presence of species at their distributional limits;
- i) the importance of the area for assisting the movement of indigenous species;
- j) the importance of the area for maintaining water quality in freshwater and saline environments;
- k) the importance of the area for maintaining the biodiversity values of adjacent freshwater or saline environments.

5C.7.9.3 RULES: SIGNIFICANT ECOLOGICAL AREAS

The following rules only applies to sites throughout the Isthmus that do not meet the definition of an "urban environment allotment" in Part 13.

For activities requiring a resource consent under 5C.7.9.3 B or C below:

- i) The activity status in 5C.7.9.3 B or C applies unless other rules applying under the zoning require a higher order of consent.
- ii) Where any scheduled area is located within the Coastal Management Area, any application will be also subject to the rules for the Coastal Management Area (5B.7) and where applicable, in the Coastal Protection Yard (5B.7.2).

A. Permitted Activities

The following activities undertaken within a scheduled ecological area are permitted activities:

- a) General



- i) The regular minor trimming or the maintenance of any tree undertaken by hand operated secateurs or pruning shears, in accordance with accepted arboricultural practice;
- ii) Restoration plantings and their management, using plant species indigenous to the subject ecosystem and sourced from material growing naturally within the Tamaki Ecological District, where available, and placed according to accepted ecological practice. Plantings must be in parts of the scheduled ecological area where there is sufficient capacity and must not endanger, damage, destroy or detract from the values for which the area has been scheduled.
- iii) The implementation of animal and plant pest control for organisms listed in the Auckland Regional Pest Management Strategy, in the National Pest Plant Accord or on the List of Naturalised Plants in the Auckland Region.
- iv) Other minor works, including the routine maintenance and repair of existing lawns, gardens, accessways, roads, structures and signage, that would not endanger, damage, destroy or detract from the values for which the area has been scheduled.
- v) The sustainable cutting or harvesting of plant material for the purposes of customary use by mana whenua.
- b) Network Utility Operations - General
- i) Maintenance and operation of existing network utility services by network utility operators.
- ii) The felling, destruction or trimming of any tree, or other vegetation, and associated earthworks required by the Council, a network utility operator or a statutory authority, when this is required as an emergency work to maintain or restore network utility services; or to safeguard life or property. In such circumstances the authority concerned shall notify the Council, in writing, within two weeks as to the reason for the works undertaken.
- iii) The maintenance by a network utility operator of any existing cleared area used to gain access to any part of its network from any road or adjoining land.
- c) Network Utility Operations - Electricity, Gas, Communications
- i) The maintenance from ground level by a network utility operator of any existing cleared area within 2 metres of any part of an electricity, gas or telecommunications network, by the use of hand operated (including mechanical) equipment.
- ii) Minor upgrading not involving the felling, destruction or trimming of any indigenous tree or other vegetation.
- d) Network Utility Operations - Water, Wastewater, Stormwater
- i) The maintenance of any existing cleared area within three (3) metres of any component of the network, by the use of hand operated (including mechanical) equipment.
- ii) The trimming, clearing or removal of any vegetation by the use of hand operated (including mechanical) equipment within one (1) metre of any component of the network, except in the case of pipes where subsection (iii) below shall apply.
- iii) The trimming and/or clearance of vegetation and earthworks, within 3 metres of any component of the network, undertaken by the use of hand operated (including mechanical) equipment, reasonably required to expose or gain access to any component of the network for inspection, maintenance and repair purposes.
- iv) The clearance of vegetation, removal of sediment and the maintenance and upkeep of any component of the network in areas that have been specifically designed as stormwater ponds or wetlands.
- v) The trimming, clearing or removal of any vegetation or sediment from within any watercourse where the continuous length of any bed disturbances shall not exceed 100 metres per watercourse channel per property within any 12 month period.
- vi) The use of mechanical methods (including root cutting or jetting) to clear or remove any obstruction from within any component of the network.

For the purpose of this section "component of the network" means any manhole, inlet and outlet structure, pipe, stormwater grill, pipe bridge, pumping station, weir, monitoring station, constructed pond or wetland, or any other structure.

B. Restricted Discretionary Activities

Except where provided for as a permitted activity under Rule 5C.7.9.3A, no person shall without a resource consent for a restricted discretionary activity:

- i) Cut, damage, alter or destroy any indigenous plant (including its roots) within a scheduled significant ecological area; or
- ii) Within the dripline of any tree or lower canopy plant within a scheduled ecological area:
- Alter the soil levels or water table by addition or excavation;
 - Store materials, vehicles or machinery;
 - Store or deposit rubbish, plant material or other unsightly or offensive material;



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- Introduce any exotic plant species to the subject ecosystem;
- Introduce any dead native or exotic plant waste material to the subject ecosystem;
- Extract any indigenous plant material, living or dead;
- Discharge or disperse any toxic substance or emplace any weed control membrane;
- Undertake any use, excavation, construction work or other activity;
- Divert or modify natural watercourses and coastal margins;
- Undertake additions to existing, or erection of any new structure, accessway, building, hoarding or sign that involves any damage to vegetation within the scheduled area;
- Create any easements or concessions.
- Undertake the construction, installation, maintenance or operation by a network utility operator of any network utility services set out in General Rule 4A.4.6, except where this is exempted in 5C.7.9.3A.

C. Discretionary Activities

Except where provided for as a permitted activity under Rule 5C.7.9.3A, or as a restricted discretionary activity under Rule 5C.7.9.3B no person shall, without a resource consent for a discretionary activity:

In Categories A or B undertake the clearance of indigenous vegetation, construction or alteration of buildings or any other works which would result in the loss or degradation of indigenous vegetation over more than 5% of the total area of any Scheduled Significant Area, within any five year period.

D. Assessment Criteria for Restricted Discretionary and Discretionary Activities

- a) In regard to discretionary activities restricted pursuant to Section 95A(3)(a) of the Resource Management Act 1991, the Council reserves its discretion under s. 104 (1)(c) to assessment against the criteria in (c) below, as well as any other relevant restricted discretionary activity criteria in the Plan. The criteria in (c) below also apply to the assessment of a discretionary activity under Rule 5C.7.9.3 C.
- b) Pursuant to Section 95A(3)(a) of the Resource Management Act 1991, the Council does not require the written approval of affected persons for those activities identified as restricted discretionary activities in 5C.7.9.3 B (except in exceptional circumstances). The Council may consider it to be an exceptional circumstance where all or a substantial part of an ecological area is proposed to be cleared.

c) Assessment Criteria

- i) The proposal meets the objectives and policies of the District Plan for Significant Ecological Areas.
 - ii) The nature and extent of any proposed work and the degree to which it may lead to adverse ecological effects to natural habitats.
 - iii) The location of the proposed activity and its potential adverse effects in relation to the variation of the qualities and values across the scheduled ecological area.
 - iv) Any alternative methods which may be available to the applicant in the achievement of their objectives.
 - v) The ability to build a single residential unit on a site.
 - vi) The extent to which any new planting is planned by the applicant that will help to mitigate any adverse effects that may result from the proposed activity. Any new planting shall be indigenous to the subject ecosystem and sourced from material growing naturally within the Tamaki Ecological District, where available.
 - vii) The extent to which weed and pest management planned by the applicant will help to mitigate any adverse effects that may result from the proposed activity. The longevity of such mitigation shall also be considered.
 - viii) The Council will be particularly concerned to assess the effects of applications for consents on sites that are included in Category A because of their higher ecological values and vulnerability to effects.
 - ix) The need to avoid cumulative effects on scheduled areas caused through incremental loss or modification of parts of the area.
 - x) The extent to which the work is required is due to the issuing of a cut or trim notice under Regulations 8 and 9 of the Electricity (Hazards from Trees) Regulations 2003.
- d) The following additional criteria apply where applications for resource consent are on Category A sites, in addition to the criteria in 5C.7.9.3 D(c) above.
- i) the importance of the area to indigenous fauna;
 - ii) the degree to which there has been cumulative loss of the extent and species diversity of this type of ecosystem from the prehuman state within the ecological district or environmental domain;
 - iii) the rarity of the ecosystem or community;
 - iv) the presence of threatened species;
 - v) the presence of species at their distributional limits.



Note: The Council may impose conditions with respect to any of these criteria for Discretionary or Restricted Discretionary Activities.

5C.7.10 CHARACTER OVERLAY

5C.7.10.1 OBJECTIVES AND POLICIES

Objective

To protect, maintain and enhance the identified character of traditional town centres throughout the Auckland Isthmus.

Policies

- By identifying, assessing and documenting appropriate town centres as character overlay areas.
- By promoting the survival of the historic form and pattern of subdivision, buildings and streetscape within the character overlay areas.
- By maintaining and enhancing the form, design characteristics and the appearance of the buildings within the character overlay areas.
- By ensuring that the core aspects of character and architectural style are maintained.
- By ensuring that the visual effects of telecommunication devices are no more than minor, by avoiding, remedying or mitigating these effects.

Methods

By identifying and analysing the essential collective character defined by existing structures in each town centre.

By identifying those buildings within each town centre which are considered to be character defining or character supporting.

Through requiring a resource consent for works on buildings within the character overlay areas.

Through providing design guidelines to assist applicants with alterations and additions to existing buildings, or in the design of new buildings.

5C.7.10.2 STRATEGY

A. Introduction

Town centres are the focus of interrelated commercial, cultural, recreational and social networks. As places of variety and historic interest they need to be attractive, vibrant and offer facilities which interest a large and diverse community. Many town centres throughout the Auckland Isthmus have undergone considerable change in the last ten years. While some level of change is inevitable, this has resulted in community and political concerns being raised that some of these centres, which have character and/or broad

heritage features, are vulnerable to more rapid change due to accelerating development pressures. There are concerns that this change could adversely affect the character or broad heritage features that defines these centres.

Given this, the character overlay addresses the character and broad visual heritage qualities of eight town centres located within the traditional suburbs of Auckland City. The intent of the overlay is to advance the maintenance and enhancement of these qualities, by controlling change and encouraging and promoting appropriate protection and enhancement. As part of this the maintenance of the integrity and coherence of the architecture is recognised as vital for the survival of the character of the individual centres.

The character overlay applies to eight centres. These are:

- Balmoral
- Eden Valley (Dominion Road)
- Ellerslie
- Grey Lynn (Surrey Crescent)
- Kingsland
- Sandringham
- Upper Symonds Street
- West Lynn (Richmond Road)

While most centres subject to the character overlay do have a variety of buildings, they also have a unity arising from buildings with similar scale, materials and rhythm. Often there is a cohesiveness and quality of character that taken collectively is far greater than the architectural merit of any of the individual facades. In other cases, variety is a dominant characteristic. The external appearance of these buildings is an aesthetic element that can contribute greatly to environmental quality, amenity values and character of urban streetscapes. The eight town centres subject to the overlay also have important public open spaces, and groups of character buildings (sometimes containing scheduled heritage buildings), which must be considered as part of the design process for new buildings, or modifying existing ones within these areas.

Whilst there is diversity between the centres, there are a number of key determinants, usually a combination of both character and broad heritage elements, which contribute to each of the centres' character and heritage values. Therefore it is important that the mechanism used to provide broad protection of a centre also provides adequate direction to respond to the distinctiveness of each centre.

The character overlay adopts a regime of controls that recognise the varying mix and character of buildings. A feature of the overlay is the identification of *character-defining buildings* and *character-supporting buildings* in terms of their special character importance. The approach chosen is intended to foster retention of the character of the



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town centres by tailoring the level of control to the relative importance of character elements. Buildings selected as 'character-defining' are seen as making a significant contribution to the 'sense of place' of each individual village. 'Character-supporting buildings' play a lesser yet very recognisable contribution to that 'sense of place.' Maps illustrating those buildings considered to be either character defining, or character supporting are included in the appendices to the District Plan maps. The character summaries and design guidelines for traditional town centres are included in Appendix 11 to the District Plan.

The character overlay is generally applied to business centres zoned Business 2 or Business 4/Mixed Use. However, in some specific circumstances, it was decided to include land zoned residential, open space, special purpose and Business 1 & 8 where such land forms part of the identified business centre, and contributes to the character of that centre.

In terms of statutory impact and intended outcomes the character overlay impacts on structures and collections of structures lower in the hierarchy of value than scheduled buildings, and will as a result impose less stringent control levels.

While these controls seek to maintain the character of the overlay areas, it is acknowledged that the general character of these areas is also affected by the design and appearance of works within the streetscape. Therefore, the Council will promote works within the streetscape that are sympathetic to the objectives and policies of the character overlay.

It is recognised that Auckland city's town centres, particularly those within the traditional inner city suburbs where intensification and revitalisation are occurring are dynamic and will change in terms of their built form as well as their use. Recognising this dynamic commercial environment the character overlay seeks to control change to ensure it supports the urban qualities of each centre and its distinctiveness as a component of the wider urban area. The character overlay will endeavour to preserve those buildings that contribute to a particular centre, to ensure the retention of the character of that centre.

The key to understanding the character of the town centres subject to the character overlay is being able to describe how the features of an area come together to give it its own particular character. Breaking up that character into discrete features and characteristics misses out on the relationships between these features and characteristics. Understanding how these relationships physically appear on the ground is usually the most important aspect in establishing the character of the area.

As the character overlay seeks to retain the identified character of the eight town centres a description of that character and how it interrelates is provided in Appendix 11 Character Overlay: Character Summary Statements. These include descriptions of the underlying landscape context, the urban structure, the streetscape and the built environment.

Appendix 11 also includes the design guidelines for traditional town centres.

The Ellerslie, Grey Lynn, Balmoral and Sandringham town centres and some residential zoned areas surrounding them are included as 'areas of change' in the Auckland City Council's growth management strategy. Within these specified areas emphasis will be placed on providing for residential growth through intensification in a manner that will maintain and enhance quality urban environments. Urban design rules, criteria and guidelines will be applied to the specified town centres in order to encourage quality retail, employment and mixed use environments. Both the growth management strategy and the character overlay are integrated policies that have complementary objectives and policies in relation to these town centres. When implementing any plan provisions resulting from the growth management strategy, regard shall be had to the objective, policies and rules of the character overlay.

B. Activity Provisions and Development Controls

Unless specifically stated the provisions of the character overlay are in addition to the existing District Plan controls for the sites within the character overlay. However, some controls, such as parking exemptions, supersede standard controls. The provisions are intended, over time, to retain and enhance the character of the various centres as outlined above.

C. Designations

Existing designations within the character overlay areas are detailed in Appendix A and B to the District Plan Planning Maps.

D. Scheduled Items

The character overlay areas contain various currently scheduled buildings. These items are indicated on the District Plan Planning Maps and are detailed in Appendix 1 to the District Plan. These items are subject to the rules contained in Part 5C - Heritage of the District Plan that override the provisions contained in the character overlay.

E. The New Zealand Historic Places Trust

The character overlay area also includes sites/buildings that are registered by the New Zealand Historic Places Trust. These may or may not coincide with district plan scheduling (section D above). It is necessary for applicants to liaise with the Trust when undertaking work on buildings or sites that are registered. The Upper Symonds Street area is also considered a historic area by the Trust. Therefore, resource consent applications in the Upper Symonds character overlay area should also consider the Trust's requirements.

F. Signs

All signs shall comply with the Auckland City Council Bylaws, including signs for which a resource consent is specifically required by the District Plan. The area covered



by the character overlay is a 'special character area' for the purpose of administering the provisions relating to signs in the Bylaw.

Signs on buildings identified as *character-defining*, *character-supporting*, or on scheduled buildings, should be at a scale and design that does not visually dominate or detract from such buildings. Signs on other buildings should also not have an adverse effect in this regard on such identified or scheduled buildings in their vicinity. They should be compatible with the architectural style of any building on which it is placed and should not obscure any architectural feature/detail or windows. They should also be to a human scale and orientated to pedestrians, being visible at street level.

For the purpose of the character overlay, the use of the word 'alterations' does not include signs.

For signs on scheduled buildings, the provisions in Part 5C of the District Plan should be referred to.

5C.7.10.3 RULES: CHARACTER OVERLAY AREAS

1.0 CHARACTER-DEFINING BUILDINGS

These controls apply to buildings identified in the character overlay as being *character-defining*:

A. No person shall, without a resource consent for a restricted discretionary activity:

- Demolish, remove, or damage any such building; or
- Construct or relocate any new building. ; or
- Carry out external alterations or additions to such buildings not otherwise provided for in Clause B. below; or

Except that this provision shall not preclude:

1. Redecoration, repair or internal alteration of any existing building fabric or detailing thereof.

B. Where alterations or additions to a *character-defining building* are proposed to the rear of the building, application can be made for a restricted controlled activity, provided that:

- This activity status shall not apply to *character-defining buildings* on corner sites - where the building is on a corner site all alterations or additions shall be considered under Clause A. above;
- Such alterations and additions are not visible from the following/streets: and this activity status shall not apply to any additions that result in an increase to the existing building footprint or any additions above the existing roofline. These are: Dominion Road, New North Road, Richmond Road, Main Highway, Upper Symonds Street, Great North Road and Sandringham Road.

Where an addition or alteration does not comply under this sub-section it will be assessed as a discretionary activity application under section 5C.7.10.3.1.0 A. above.

Note: Where an entire site has been identified as *character-defining*, all buildings on that site are considered as such. Where only part of a site has been identified, only the buildings on that part of the site are *character-defining buildings*.

Criteria for assessing applications for resource consent

In considering an application for a restricted discretionary activity, the Council will have regard to Part 4 of the District Plan, General Provisions and Procedures, and assess the application against the following matters:

- a) The Design Guidelines for Traditional Town Centres (refer Appendix 11 of the District Plan);
- b) Demonstration that any demolition or removal and consequent replacement of a building will not significantly affect the streetscape appearance of the town centre and will not destroy the area's distinctive character. A resource consent shall be obtained for the buildings replacement either prior to, or concurrently with this application;
- c) Consideration of the building's surrounding context in terms of any adverse effect on the shared character with other *character-defining*, *character-supporting*, or scheduled buildings, whether they are adjoining, next to, directly opposite (across the road), or diagonally opposite (across an intersection);
- d) The nature, form and extent of the development, alteration or change and its effect on the particular character of the *character-defining building*; and such following matters:
 - Additions or alterations to the street elevation of the building are to be avoided unless they maintain an appearance generally similar to the original;
 - Additions are to be so positioned or modifications so designed so as not to detract from the continuity of the front facade alignment of the building or adjoining buildings or an established horizontal or vertical modulation;
 - Consideration shall be given to ensuring that any external addition or alteration is of a design and materials similar or in sympathy to those originally used which do not detract from the architectural character and detailing of the building;
 - Alterations and additions are to be in keeping with the architectural form, proportions and style of the existing building(s) on the site;
 - Consideration needs to be given to retaining as much of the existing building facade as practicable by



refurbishing, restoring and adapting parts of the existing building rather than replacing them;

- The extent to which the colour scheme is compatible with the age and detailing of the building, and it should preferably be derived from research into the original colour scheme of the building;
- e) Where relevant refer to the assessment criteria for verandahs in Clause 8.8.1.3 of the District Plan and section 4, verandahs, of the character overlay.

In considering an application for a restricted controlled activity, the Council will have regard to Part 4 of the District Plan, General Provisions and Procedures, and assess the application against the following matters:

- a) The Design Guidelines for Traditional Town Centres (refer Appendix 11 of the District Plan).
- b) The nature, form and extent of the alteration or addition and its effect on the particular character of the *character-defining building*, and such following matters:
- Consideration shall be given to ensuring that any external addition or alteration is of a design and materials similar or in sympathy to those originally used and does not detract from the architectural character and detailing of the building;
 - Alterations and additions are to be of a design and materials in keeping with the architectural form, proportions and style of the building;

Explanation

The character overlay identifies certain buildings as being worthy of specific controls to encourage their retention. Based on research, assessment and analysis undertaken "Character Defining" buildings and elements are those that because of their historic/and or architectural elements, their urban structure and streetscape appearance make a major contribution to the character of the centre. The loss of any of these buildings would change the character of the centre, and a replacement building may not substantially compensate for the loss. While the character overlay does not prohibit demolition, appropriate assessment is required to consider the effect on the streetscape, character and historic/architectural elements of the particular centre. Similarly, additions and alterations to such buildings are to be assessed to ensure compatibility with the character nature of the building.

A restricted controlled activity status is provided for alterations or additions to character-defining buildings that are not visible from the street, such as the enclosing of a balcony to the rear of a building. Where such changes are to be visible from the street, such as through additions to the length of the building, alterations to the side or to the roof, an application for a discretionary activity shall be made.

It is acknowledged that each site within the character overlay will retain the same development potential, in terms

of bulk and location and lot size that is provided for by the relevant zone rules. The intention of the character overlay is to consider new development in terms of its design and appearance.

2.0 CHARACTER-SUPPORTING BUILDINGS

These controls apply to buildings identified in the character overlay as being *character-supporting*:

- A. No person shall, without a resource consent for a restricted discretionary activity:
- Demolish, remove or damage any such building; or
 - Construct or relocate any new building; or
 - Undertake external additions or alterations to any building not otherwise provided for in Clause B below; or

Except that this provision shall not preclude:

1. Redecoration, repair or internal alteration of any existing fabric or detailing thereof;
- B. Where alterations or additions to a *character-supporting building* are proposed to the rear of the building, application can be made for a restricted controlled activity, provided that:
- This activity status shall not apply to *character-supporting buildings* on corner sites - where the building is on a corner site all alterations or additions shall be considered under Clause A. above;
 - Such alterations and additions are not visible from the following/streets: and this activity status shall not apply to any additions that result in an increase to the existing building footprint or any additions above the existing roofline. These are: Dominion Road, New North Road, Richmond Road, Main Highway, Upper Symonds Street, Great North Road and Sandringham Road.

Where an addition or alteration does not comply under this sub-section it will be assessed as a discretionary activity application under section 5C.7.10.3.2.0A. above.

Note: Where an entire site has been identified as *character-supporting*, all buildings on that site are considered as such. Where only part of a site has been identified, only the buildings on that part of the site are *character-supporting buildings*.

Criteria for assessing applications for resource consent

In considering an application for the above, the Council will have regard to Part 4 of the District Plan, General Provisions and Procedures, and assess the application against the following matters:

- a) The Design Guidelines for Traditional Town Centres (refer Appendix 11 of the District Plan);



- b) Demonstration that any demolition or removal and consequent replacement of a building will not significantly adversely affect the streetscape appearance of the town centre and will not destroy the area's distinctive character. A resource consent shall be obtained for the buildings replacement either prior to, or concurrently with this application;
- c) The nature, form and extent of the development, alteration or change and its effect on the particular character of the *character-supporting building*; and such matters following:
- Changes to the road facade of the building are to be sympathetic to the existing building, surrounding scheduled, *character-defining* or *character-supporting buildings*, and surrounding architectural styles;
 - Additions are to be so positioned or modifications so designed so as not to detract from the continuity of the front facade alignment of the building or adjoining buildings, or an established horizontal or vertical modulation;
 - Consideration shall be given to ensuring that the form, mass, proportion and materials of the addition or alteration are compatible with the prevailing architectural style of the existing building;
 - Materials and the use of materials should be in sympathy with the traditional character and material of the building;
 - Where it is proposed to combine buildings, the extent to which the finished appearance/facade retains visual evidence of the previous pattern of development by vertical modulation;
- d) Where relevant refer to the assessment criteria for verandahs in Clause 8.8.1.3 of the District Plan and section 4, verandahs, of the character overlay.

In considering an application for a restricted controlled activity, the Council will have regard to Part 4 of the District Plan, General Provisions and Procedures, and assess the application against the following matters:

- a) The Design Guidelines for Traditional Town Centres (refer Appendix 11 of the District Plan).
- b) The nature, form and extent of the alteration or addition and its effect on the particular character of the *character-supporting building*, and such following matters:
- Consideration shall be given to ensuring that any external addition or alteration is of a design and materials similar or in sympathy to those originally used and do not detract from the architectural character and detailing of the building;

- Alterations and additions are to be of a design and materials in keeping with the architectural form, proportions and style of the building;

Explanation

It is acknowledged that not all buildings within the character overlay area display characteristics that 'define' what that centre's character and uniqueness is. There are, however, some buildings that contribute to, or support, these elements. These have been identified as "character supporting" if they contribute to the historic character and 'sense of place' or are consistent with the character and values of the "character defining" buildings. For example, they may contribute to the streetscape character, or form part of an intact group of traditional 'mainstreet' buildings, and may also have particular historic, social or architectural value.

The removal of these buildings would have an impact on the character of the particular centre and any redevelopment of these buildings may potentially work against these important elements, especially where such buildings are located abutting or adjacent to a character-defining or scheduled building.

A restricted controlled activity status is provided for alterations or additions to character-supporting buildings that are not visible from the street, such as the enclosing of a balcony to the rear of a building. Where such changes are to be visible from the street, such as through additions to the length of the building, alterations to the side or to the roof, an application for a restricted discretionary activity shall be made.

It is acknowledged that each site within the character overlay will retain the same development potential, in terms of bulk and location and lot size that is provided for by the relevant zone rules. The intention of the character overlay is to consider new development in terms of its design and appearance.

3.0 SITES THAT DO NOT CONTAIN A CHARACTER DEFINING OR SUPPORTING BUILDING

This control applies to all sites within the character overlay area that are not identified as character defining or character supporting. No person shall without a restricted discretionary activity consent:

- Construct or relocate a building;
- Undertake any additions that exceed the height of an existing building on the site.

Criteria for assessing applications for resource consent

In considering an application for a restricted discretionary activity, the Council will have regard to Part 4 of the District Plan, General Provisions and Procedures, and assess the application against the following matters:

- a) The Design Guidelines for Traditional Town Centres (refer Appendix 11 of the District Plan);



- b) The extent to which the new or relocated building or additions to the existing building is complementary to the character of the town centre (refer to Appendix 11: Character overlay summary statements). The design of the ground/street level should contribute to the continuity of pedestrian interest and vitality, particularly for those frontages where compliance with the retail frontage control is required.
- c) Where new buildings or additions to existing buildings are proposed abutting or adjacent to those buildings identified as being *character-defining* or *character-supporting* or are scheduled, such development is to be sympathetic to such buildings. Such developments should not attempt to replicate or imitate their architectural detailing or style but rather be complementary to it;
- d) Where existing sites are amalgamated and/or larger buildings are proposed to replace more than one smaller building, the extent to which the frontage design has regard to the existing 'grain' of developments in the town centre (original street frontage, subdivision patterns) and is detailed to mitigate any perception of unsympathetic scale or bulk. This could be achieved by providing relatively complex and modulated facades to break up the visual appearance of the structure;
- e) Consideration shall be given to ensuring new developments have regard to existing buildings in the vicinity in terms of such matters as frontage height and design, and a varied but sympathetic silhouette of pediments, sloped roofs and parapet features;
- f) There shall be regard given to having a balance of vertical elements (such as structural bays and windows) with horizontal elements (such as verandahs, cornice and parapet lines). Blank walls visible from surrounding streets should be avoided where possible;
- g) Buildings are to be designed to address and align to the street boundary (particularly buildings on corner sites), concentrating main entries and windows on frontages facing the street;
- h) Regard shall be given to designing any recessed frontages, whether to the front of the building or to the side, so as to create open spaces for outdoor dining/seating, planting or other uses where possible;
- i) Parking and vehicle circulation areas should not visually dominate views of the site from the surrounding public realm. Regard shall be given to providing planting to break up the visual impact of any parking areas, where appropriate;
- j) Consideration should be given to the verandah controls in Clause 8.8.1.3 of the District Plan and section 4, verandahs, of the character overlay;

- k) The extent to which such buildings are distinctive in their own right while avoiding being plain or imitative or mocking of existing buildings that have character qualities;

Explanation

It is recognised that buildings, their settings and respective land uses of the various town centres are features that create lively, people friendly streets. The buildings that have a human scale due to appropriate building bulk, mass, and scale enhance this attribute. It is important that developments foster the existing sense of human scale and be sympathetic and sensitive to the existing qualities of the town centre in question, resulting in a cohesive and attractive streetscape. New buildings should be designed and finished in such a way as to maintain and respect the specifically identified character buildings or scheduled buildings, while still allowing for innovation in design. It is acknowledged that innovative design can add to the uniqueness of the various town centres, with modern buildings co-existing with older architecture. New developments can be valued for their own contribution to the visual vitality of the town centre in question.

It is acknowledged that each site within the character overlay will retain the same development potential, in terms of bulk and location and lot size that is provided for by the relevant zone rules. The intention of the character overlay is to consider new development in terms of its design and appearance.

4.0 VERANDAHS

A resource consent for a restricted controlled activity is required for a new verandah or additions or alterations to an existing verandah on sites within the character overlay area. This does not apply to structural maintenance or repair.

Criteria for assessing applications for resource consent

- a) Regard shall be had to the design of the verandah and whether it will affect the unique elements of the building when proposed for a *character-defining building* or a *character-supporting building*;
- b) The verandah should relate to its neighbours in such a way that it ensures continuous weather protection/cover for pedestrians;
- c) Unless there are unique circumstances, the verandah should be the same general height as its neighbours;
- d) Unless there are unique circumstances, the verandah should have frontage parallel with its neighbours;
- e) The extent to which the design of the verandah and lighting is compatible with the character of the building or wider grouping of buildings if appropriate;
- f) Consideration shall be given to providing lighting under verandahs - this should be at 20 lux at a uniformity ratio better than 0.5. Lighting is to assist in lighting the footpath below to provide for safety of persons and



property. Spot lighting should be used instead of fluorescent under-lighting where possible to reduce general glare;

- g) The carriageway edge of all verandahs must be no lower than 3 metres above the footpath and no greater than 4 metres above it.
- h) Supporting verandah posts are encouraged or permitted on any new buildings or altered buildings where they complement traditional character and style.

Explanation

This control is intended to ensure that pedestrians visiting the various town centres are protected from the weather. It is also anticipated that verandahs will contribute to the character of the streetscape of the town centre. They provide an element of continuity along the length of a street, assisting to tie together the varied architectural facades of individual developments. It is acknowledged, however, that verandahs have the potential to 'interfere' with character-defining or character-supporting buildings if consideration is not given to an appropriate design in these circumstances.

The lighting requirements are intended to both help and encourage pedestrians to use the centre at night, as verandahs can reduce the amount of lighting available from street lights. Alternative options to providing lighting in/on verandahs may be considered if the intended effect of lighting the footpath for pedestrians can be assured.

5.0 INSTALLATION, OPERATION AND MAINTENANCE OF ANTENNAS, AERIALS, MECHANICAL AND ELECTRICAL DEVICES ON BUILDINGS WITHIN THE TOWN CENTRE AREA

Note: These provisions do not apply to the installation of any radio or television antenna for residential purposes.

A. The installation, operation and maintenance of any antenna, aerial, mechanical or electrical device on an existing building is a permitted activity, provided that:

- i) The antenna, aerial, mechanical or electrical device is not visible when viewed from street level from any part of any road which is located within the character overlay, for example, the device is hidden from view behind a parapet or other architectural/building feature, is obscured from view by a neighbouring building, or is at the rear of the building; or
- ii) The antenna, aerial, mechanical or electrical device meets the following standards:
- There shall be a maximum of three such devices on any one building; and
 - The antenna, aerial, mechanical or electrical device shall have a maximum height (including mounts and supporting structures) of 1.95m; and

- The maximum area of any face of the antenna, aerial, mechanical or electrical device shall not exceed 0.5m²; and
- The antenna, aerial, mechanical or electrical device shall be attached to the building in such a way that it is no higher than that part of the building directly behind the device as observed from street level within the centre plan; and
- The antenna, aerial, mechanical or electrical device shall be colour matched to that part of the building to which it is attached; or

iii) Where an antenna, aerial, mechanical or electrical device is attached to the front facade of a building the following standards shall apply in addition to the requirements of 5.A(ii):

- the antenna, aerial, mechanical or electrical device shall have a maximum horizontal projection out from the front facade of the building of 450mm; and
- Notwithstanding the maximum area and height provisions of 5.A(ii), the maximum width and height of any antenna, aerial, mechanical or electrical device shall be 350mm; and
- The antenna, aerial, mechanical or electrical device shall be located above verandah height, or where there is no verandah, above the height of the main windows facing the street; and
- There shall be a maximum of three such devices on a building.

Notes:

- Electrical devices do not include lighting.
 - For the avoidance of doubt, devices which fall within clause 5.A(i) are not subject to the requirements of clause 5.A(ii) and (iii).
 - Where any antenna, aerial, mechanical or electrical device is covered for the purpose of complying with clause 5.A, the covers are not an external alteration or addition for the purposes of clause 2.A.
- B. The installation operation and maintenance of any antenna, aerial, mechanical or electrical device on an existing building and that which does not meet the permitted standards set out in clauses 5.A(i), (ii) and (iii) above is a restricted discretionary activity.

In considering an application for a restricted discretionary activity under clause 5.B, the Council will have regard to the extent to which the application meets the permitted activity standards set out in clause 5.A(i), (ii), and (iii) above and the Telecommunications Design Guidelines (contained within Appendix 11 to the Plan).



C: DEVELOPMENT CONTROLS

1.0 VEHICLE ACCESS AND PARKING

1.1 Vehicle crossings

No new vehicle crossing shall be permitted to sites within the character overlay area with frontage to the following roads/streets where vehicular access to such a site for parking and loading is otherwise available by other means, such as rear service lanes, right of ways or from side roads. These are: Dominion Road, New North Road, Richmond Road, Main Highway, Symonds Street, Sandringham Road and Great North Road. An application for a vehicle crossing over a public footpath will be subject to a traffic safety assessment to ensure that the safety of pedestrians and general traffic is not adversely affected.

1.2 Location of parking and loading areas/spaces

On all sites included in the character overlay areas, parking and loading spaces for retail or office purposes shall not be placed between buildings and the road boundary with the following: Dominion Road, New North Road, Richmond Road, Main Highway, Symonds Street, Sandringham Road and Great North Road.

Carparking facilities for retail or office purposes, including surface parking lots and carparking buildings shall not front the following: Dominion Road, New North Road, Richmond Road, Main Highway, Symonds Street, Sandringham Road and Great North Road.

Note: Access points leading to parking within or behind buildings facing Dominion Road, New North Road, Richmond Road, Main Highway, Symonds Street, Sandringham Road and Great North Road are provided for.

1.3 On site parking exemption for those buildings specifically identified in the character overlay area as being *character-defining buildings, character-supporting buildings* and those buildings scheduled in the District Plan

Buildings scheduled in Appendix 1 of the District Plan and those specifically identified as being *character-defining* or *character-supporting* in the character overlay are exempted from on-site parking controls required under the District Plan.

This exemption shall apply when the activities in the existing buildings change or when the adaptive reuse of these buildings occurs through internal alterations or maintains an existing situation/activity that would require additional parking in terms of Rule 12.8.1 of the District Plan.

This exemption does not apply to redevelopment of these sites that includes the removal and/or replacement of existing buildings. Any additional floor area that is added to the buildings or the alteration of the existing buildings or structures that will result in a change to the footprint of the

buildings will be required to comply with the parking provisions in Part 12 - Transportation of the District Plan.

Explanation

As a consequence of the potential for vehicle crossings to interfere with the movement of pedestrians along the main arterial retail area of the centre, new vehicle crossings are not encouraged where access is available via another means.

The Council recognises that the provision of required parking can be to the detriment of character buildings that currently have little or no available off-street parking. The main priority of the character overlay is the preservation and enhancement of the centre's character values. Exemptions for some off-street parking are considered appropriate to encourage the retention of buildings specifically identified as being character-defining or character-supporting and those scheduled in the District Plan, while allowing for a change of activity and adaptive reuse. These exemptions are not available for the replacement of such buildings.

To encourage the retention of the feature of buildings being built/located along the street frontage in the various town centres, the provision of new parking should be to the rear of sites or underneath new buildings where possible. These should be accessed from service lanes or right of ways or from other streets, however, where this is not possible access to the rear of sites may be gained from the following roads. These are: Dominion Road; New North Road; Richmond Road; Main Highway; Upper Symonds Street, Sandringham Road and Great North Road.

