

GUIDELINE TO THE RULES

The *Plan* lists various items for their *heritage* significance to the City. Listed items are shown as notations on the *Human Environments* Maps and are further detailed in the Heritage Appendix. The rules are:

- Rule 1 General
- Rule 2 Heritage Items
- Rule 3 Heritage Vegetation
- Rule 4 Archaeological Sites
- Rule 5 Waahi Tapu

STEP 1

Locate the *site* on the *Human Environments* Maps. If the *site* has a *heritage* notation, refer to the Heritage Appendix for classification and relevant information.

STEP 2

Refer to the appropriate *Heritage* Rules.

STEP 3

Under each of the relevant rules the activity proposed will be either a *Permitted Activity*, a *Controlled Activity*, a *Limited Discretionary Activity*, a *Discretionary Activity* or a *Non-Complying Activity*. A *resource consent* is required for all activities other than *Permitted Activities*. If, under a particular rule, an activity is a *Permitted Activity*, then there is no need for a *resource consent* application in terms of that Rule. Refer to the relevant rule page and the “Resource Consents” part of the Introduction to the Rules for guidance on *resource consent* applications.

STEP 4

Once it has been established that all relevant rules are met, or *resource consents* have been granted, and the other requirements of the *Plan* are also satisfied, then the activity may proceed. Note that approvals under other legislation, eg the issuing of a *building consent*, under the Building Act or an archaeological authority under the Historic Places Act may be necessary.

Note that a *resource consent* from the Auckland Regional Council may be necessary in addition to these rules.

heritage



RULE 1

GENERAL

RULES

1.0 General

The following Rules 1.1 and 2 to 5 apply to *heritage items*, *heritage vegetation*, *archaeological sites* and *waahi tapu*.

1.1 Notification/Non-Notification Δ7

In relation to *Controlled Activities* and *Limited Discretionary Activities* under the following Rules 2 to 5, applications for consent need not be notified and the written approvals of affected persons will not be required, nor in terms of limited notification under the *Act*, will notice to adversely affected persons need to be served.

The written approval of the New Zealand Historic Places Trust will be required in the case of a proposal affecting any heritage item listed under Category I and/or registered under the Historic Places Act and any *waahi tapu* or *archaeological site* (irrespective of whether it is registered or not). If this written approval is not obtained, the Council will require such applications to be notified. The limited notification procedures of the *Act* may be used where appropriate.

RULE 2

ALTERATION, ADDITION TO, DEMOLITION OF HERITAGE STRUCTURES, OBJECTS, SITES AND PLACES

RULES

2.0 General

The following rules shall apply to *Any Activity* involving a *Heritage Item*.

2.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- the repair and *maintenance* of a *heritage item* listed in the Heritage Appendix.

2.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- (a) additions or alterations to a *heritage item* identified as a Category I, Category II and Category III item in the Heritage Appendix except where additions or alterations to items identified as Category I or Category II involve

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Areas Rules* and *City-Wide Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. For *resource consents*, where appropriate, the advice of the following bodies should be sought:
 - New Zealand Institute of Architects
 - New Zealand Historic Places Trust
 - any other organisations and individuals considered by the Council to have specialist knowledge or interest relevant to the proposal.
8. Council may, where it appears likely that the *applicant* will suffer unreasonable hardship by reason of consent being declined, adopt any one of the following courses of action:
 - take steps with a view to acquiring any *heritage item* and any *land* on which it is situated, or;
 - enter into any other agreement which is mutually acceptable to the Council, the *applicant* and/or owner of the *heritage item* and the Historic Places Trust as appropriate, or;
 - offer any other suggestions or assistance which would be likely to reduce any hardship suffered by *applicant* or owner.

ASSESSMENT CRITERIA

2(a)

The extent to which the *design* of the proposal and the assessment of *effects* take into consideration the following:

- (i) the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as an appendix to these rules;
- (ii) any New Zealand Historic Places Trust registration and the reasons for this registration of the *heritage item* under the Historic Places Act 1993;
- (iii) the policies of any conservation plan and/or heritage survey field sheet relating to the *heritage item*;
- (iv) the associated significance (if any) of the land surrounding the *heritage item*;
- (v) any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues, where relating to Category I items or others which, in Council's opinion might benefit from the recommendations.

2(b)

A Conservation Plan is to be submitted for any applications involving changes to any Category I item (or where in Council's opinion the application involves significant work or alteration to any *heritage item*). The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:

- a statement of the significance of the *heritage item*;
- the physical condition and structural integrity of the *heritage item*;
- the physical conservation, action and care necessary for returning 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 might be constrained by them
- measures to enable the cultural significance of a place to be retained.

2(c)

The extent to which alterations and additions are to be carried out in a way that is in keeping with and

RULE 2

ALTERATION, ADDITION TO, DEMOLITION OF HERITAGE STRUCTURES, OBJECTS, SITES AND PLACES

more than minor repair to, or *maintenance* of, the *heritage item* in terms of the features to be retained.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of conservation, *design*, *landscape treatment*, location and scale and will be assessed in accordance with Assessment Criteria 2(a)-2(e) and 2(h).

- (b) Any *changed use* of *sites* which contain *heritage items* listed in the Heritage Appendix.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of conservation, *design*, *landscape treatment*, location and scale and will be assessed in accordance with Assessment Criteria 2(g) and 2(h).

2.3 Discretionary Activities

Activities meeting the following Performance Standard are *Discretionary Activities*:

- (a) Any Activity and any *Temporary Activity* involving the total or part demolition or removal of any *heritage item* except any *heritage item* listed as a Category I or Category II item in the Heritage Appendix.
- (b) Additions or alterations to a *heritage item* identified as a Category I or Category II item in the Heritage Appendix where additions or alterations involve more than minor repair to, or *maintenance* of, the *heritage item* in terms of the features to be retained.

Discretionary Activity applications will be assessed having regard to Assessment Criteria 2(a)-2(h) and any other matters that are relevant under section 104 of the *Act*.

2.4 Non-Complying Activities

Any Activity and any *Temporary Activity* which is not a *Permitted Activity* or a *Limited Discretionary Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

does not detract from those features for which the *heritage item* has been listed.

2(d)

The extent to which alterations and additions to the exterior of any *heritage item* are to be carried out in a way that takes account of, is sympathetic to and protects the following elements:

- heritage value and **neighbourhood character**
- style and character of the *building*
- scale, form and detailing, including roof form, roof angles and eaves
- minimum loss of historic fabric, significant materials and original craftsmanship
- original materials, including cladding profiles, colour and texture
- original setting, including protection and maintenance of surrounding trees and gardens.

2(e)

The extent to which alterations and additions to the interior of any *heritage item* are to be carried out in a way that takes account of, is sympathetic to and retains those features specifically noted in any Conservation Plan for the *heritage item* and protects the following elements:

- original floor plan
- scale, form and volume of internal spaces
- detailing of joinery and decorative features
- significant architectural elements
- significant finishes.

2(f)

The extent to which, where part or total demolition or removal of the *heritage item* is proposed, consideration has been given to the following factors:

- the heritage significance of the *building* and whether there is any change in circumstances that has resulted in a reduction of significance since the item was listed
- whether the *building* can be economically adapted for re-use
- whether any object can be relocated on or off the *site* and the impact that relocation would have on the heritage significance of that object
- whether any alteration to the area can be made that retains the heritage significance of the item while accommodating the objectives of the *applicant*.

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ALTERATION, ADDITION TO, DEMOLITION OF
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2(g)

The extent to which new *development* or activities affecting *heritage items* detract from the appearance and integrity of the *heritage item* with particular regard to the:

- visual impact of *signs*, and exterior lighting
- location of *driveways* and *car parking*
- need for *landscape treatment* including paths, *fencing* and gates.

2(h)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

2(i)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

See also Policies 8.4, 9.14, 10.27, 12.1, 12.2, 12.3, 12.4, 12.5, 12.8, 5B.1, 5B.3
(Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring *maintenance*, reconstruction or restoration of the *heritage item* in accordance with the Conservation Plan
- requiring limitations on the use of the *heritage item*
- requiring that the recording (and research where appropriate) of a heritage resource be undertaken by a suitably qualified person before any demolition or destruction to the resource occurs and copies given to the consent authority and the New Zealand Historic Places Trust
- requiring a *landscape treatment* plan and implementation of that plan within a given time
- requiring *financial contributions* in accordance with the *Plan*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

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Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 3

DESTRUCTION, TRIMMING, FELLING & MODIFICATION OF HERITAGE TREES

RULES

3.0 General

The following rules shall apply to *Any Activity* involving a *heritage vegetation* appearing in the Heritage Appendix.

3.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *pruning* of any *heritage vegetation* appearing in the Heritage Appendix, if done in accordance with accepted modern arboricultural practice, and no more than 20% of the foliage of a plant is removed in one calendar year.

3.2 Limited Discretionary Activities

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- *pruning* of *heritage vegetation* appearing in the Heritage Appendix, not meeting the standards of Rule 3.1;
- *Any Activity* and any *Temporary Activity* proposed within the *dripline* of *heritage vegetation* excluding *clearance* of the *heritage vegetation*.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Areas Rules* and *City-Wide Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. For *resource consents*, where appropriate, the advice of the following bodies should be sought:
 - New Zealand Institute of Landscape Architects
 - The Royal New Zealand Institute of Horticulture
 - Department of Conservation
 - *Tangata whenua*
 - any other organisations and individuals considered by the Council to have specialist knowledge or interest in the relevant proposal.

ASSESSMENT CRITERIA

3(a)

A Conservation Plan may be required for any work or activity affecting *heritage vegetation*. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:

- a statement of the significance of the *heritage vegetation*
- the condition of the *heritage vegetation*
- the *effects* on the significance of the tree of the work or activity to be carried out
- measures proposed for retaining the health and significance of the *heritage vegetation*
- the expert advice that has been received regarding the proposal.

3(b)

The extent to which activities within the *dripline* of any *heritage vegetation*:

- alter the soil levels or watertable by addition or excavation or compaction
- may discharge or disperse any toxic substance
- place any weed membrane or any other impervious surfacing
- carry out any use, excavation or construction work or any other activity which will damage, destroy or detract from the appearance and survival of the tree.

3(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

3(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

See also Policies 8.4, 9.14, 10.27, 11.2, 12.1, 12.5, 12.6, 12.7, 12.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

RULE 3

DESTRUCTION, TRIMMING, FELLING & MODIFICATION
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location, scale and method and will be considered in accordance with Assessment Criteria 3(a)-3(c).

3.3 Non-Complying Activities

Any *Activity* and any *Temporary Activity* which is not a *Permitted Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* the *Council* may impose conditions. Conditions may include any one or more of the following matters:

- requiring maintenance of the tree in accordance with the Conservation Plan
- requiring a *landscape treatment plan* and implementation of that plan within a given time
- requiring limitations on uses which may create adverse *effects* on the *heritage vegetation*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 4

ALTERATION OF ACHAEOLOGICAL SITES

RULES

4.0 General

The following rules shall apply to *any activity* involving recorded *archaeological sites*, including those listed in the *Heritage Appendix*.

4.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- maintenance of existing lawns, gardens and *structures* including *signs*, recorded *archaeological site*, including those listed in the Heritage Appendix.

4.2 Limited Discretionary Activities

Activities meeting the following Performance Standard are *Limited Discretionary Activities*:

- *Any Activity* and any *Temporary Activity* which involves the alteration of any recorded *archaeological site*, including those listed in the Heritage Appendix.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of conservation, scale, *design*, *landscape treatment* and location and will be assessed in accordance with Assessment Criteria 4(a)- 4(e).

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Area Rules* and *City-Wide Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. Criteria relating to engineering matters can be met by satisfying standards in the Waitakere City *Code of Practice* - check with the Council.
8. Approval will also be required from the Historic Places Trust in accordance with the requirements of the Historic Places Act.

ASSESSMENT CRITERIA

4(a)

The extent to which *development* can be *designed* so as to avoid the need to alter the *site*, or where this is not possible, the extent to which the proposal gives regard to:

- (i) the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as an Appendix to these rules;
- (ii) the policies of any conservation plan and heritage inventory relating to the heritage resource;
- (iii) the associated significance (if any) of the land surrounding the *archaeological site*;
- (iv) any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues.

4(b)

A Conservation Plan will be required for any activity involving the alteration of an *archaeological site*. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:

- a statement of the significance of the *archaeological site*
- the condition of the *archaeological site*
- the physical conservation, action and care necessary for returning or revealing the *heritage* significance
- activities which may be compatible with the *archaeological site*
- measures to enable the cultural significance of the *archaeological site* to be retained.

4(c)

The extent to which activities adversely *effect* the physical structure and integrity of any *archaeological site* by the removal, addition, excavation or compaction of any soil, rock or other materials.

4(d)

The extent to which *vegetation planted* on or in the vicinity of any *archaeological site* is likely to cause damage to or detract from the feature(s) for which the *site* has been scheduled.

RULE 4

ALTERATION OF ACHAEOLOGICAL SITES

4(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

4(f)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

See also Policies 8.4, 9.14, 10.27, 12.1, 12.2, 12.5, 12.8, 5B.1, 5B.3 (Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* the Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring *maintenance* of the *archaeological site* in accordance with the Conservation Plan
- requiring a *landscape treatment plan* and implementation of that plan within a given time
- requiring limitations on uses which may create adverse *effects* on the listed *archaeological site*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*
- requiring that an *archaeological site* survey be undertaken prior to any work being undertaken on site
- requiring a heritage covenant to be registered in respect of an *archaeological site* or *waahi tapu*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.

RULE 5

ALTERATION OF WAHI TAPU

RULES

5.0 General

The following rules shall apply to *Any Activity* involving a *waahi tapu* known to the Council.

5.1 Limited Discretionary Activities

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- *Any Activity* and any *Temporary Activity* which involves the alteration of a *waahi tapu* known to the Council.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of conservation, *design*, scale and location and will be assessed in accordance with Assessment Criteria 5(a)-5(e).

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/plans.
2. Council will seek advice and consult with *tangata whenua* representative(s) prior to making a decision on any *resource consent*.
3. Whether or not any particular *waahi tapu* is known to the Council is a matter of Council record at the relevant time an activity or a *subdivision* is proposed to be established. The Council has records showing *waahi tapu* which can be referred to for guidance. Other *waahi tapu* may be indicated on consideration of any proposal by *tangata whenua*.
4. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Area Rules* and *City-Wide Rules*.
5. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
6. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
7. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
8. Applicants will require approval from the Historic Places Trust in accordance with the requirements of the Historic Places Act.

ASSESSMENT CRITERIA

5(a)

The extent to which *development* can be *designed* so as to avoid the need to alter the *site*, or where this is not possible, the extent to which the proposal has regard to:

- (i) the significance of the place for *tangata whenua*;
- (ii) the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value attached as an Appendix to these Rules;
- (iii) the policies of any conservation plan and heritage inventory relating to the heritage resource;
- (iv) the integrity/value of the heritage resource;
- (v) the associated significance (if any) of the *land* surrounding the heritage resource;
- (vi) any recommendations made by the New Zealand Historic Places Trust and any other professionally recognised party in heritage conservation issues.

5(b)

A Conservation Plan will be required for any activity involving the alteration of a *waahi tapu*. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:

- a statement of the significance of the *waahi tapu*;
- the condition of the *waahi tapu*;
- the physical conservation, action and care necessary for returning or revealing the *heritage* significance;
- activities which may be compatible with the *waahi tapu*;
- measures to enable the cultural significance of the *waahi tapu* to be retained.

5(c)

The extent to which activities on or in the vicinity of a *waahi tapu* known to the Council, including structures, the grazing of stock, physical investigation, the removal of soil, structures of trees, and the reconstruction of any site, modify, damage or destroy the site in a way that is unacceptable to *whi*.

RULE 5

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5(d)

The extent to which any activity or *subdivision* adversely affect the historical, cultural or spiritual significance of any site or *waahi tapu* of significance to *whi*.

5(e)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

5(f)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan.

See also Policies 8.4, 9.14, 10.27, 12.1, 12.5, 12.8, 5B.1, 5B.3 (Policy Section of the Waitakere District Plan)

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* the Council may impose conditions. Conditions may include any one or more of the following matters:

- requiring maintenance of the *waahi tapu* in accordance with the Conservation Plan
- requiring limitations on uses which may create adverse *effects* on the *waahi tapu*
- the imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*
- requiring that an *archaeological site* survey be undertaken prior to any work being undertaken on site
- requiring a *heritage* covenant to be registered in respect of an *archaeological site* or *waahi tapu*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.