

## 13. Heritage

### 13.1 Introduction

The Resource Management Act 1991 **{PO cl.16}** (RMA) identifies "the protection of historic heritage from inappropriate subdivision, use, and development" as a matter of national importance (section 6(f) RMA). Dunedin has a wealth of heritage items, particularly its remarkable collection of heritage buildings, but also significant heritage sites and archaeological sites, which reflect both its Māori history and early European settlement. Dunedin's strength is that its heritage is strongly visible in all parts of the city, including suburban centres, residential areas, industrial areas and outlying settlements. These diverse buildings tell the stories of the various social classes and activities that have contributed to the city's growth.

Heritage items are listed within schedules within the Plan appendices, and are managed through rules within each zone. The objectives, policies and assessment rules relating to heritage **{Her cl.16}** are contained within this section of the Plan.

### Heritage buildings and structures

One of Dunedin's strengths is its collection of heritage buildings and structures. The city's appearance is still strongly that of a Victorian/Edwardian city. The design and appearance of many large buildings of that era, individually and collectively, give the central city an appearance of grandeur and permanence. Development that has taken place since Edwardian times has generally retained and enhanced the values of that period, cumulatively giving Dunedin a unique and coherent heritage character. Heritage buildings and structures are listed in Schedule Appendix A1.1 Schedule of Protected Heritage Items and Sites **{Her cl.16}**.

One of the key resource management issues relating to such buildings is the degradation of the heritage fabric, leading to demolition because the building has become dangerous under the Building Act 2004 **{Her cl.16}**, or because it has become too costly to repair. In some cases, a lack of long-term maintenance has led to this 'demolition by neglect'.

In order to avoid the loss of heritage character and values, it is necessary to manage changes to these buildings and structures. These changes should be considered in relation to the heritage values of the building or structure as originally assessed when first scheduled, to allow consideration of the cumulative effects of any previously approved works to be considered. **{Her 547.71}** However, it is also recognised that the best way of retaining heritage buildings and avoiding demolition by neglect is to encourage their ongoing use and re-use. Remarkable progress has been made in recent years, particularly in the older commercial and industrial parts of the central city, in terms of adaptive re-use of heritage buildings that might otherwise have been under-utilised and fallen into decay. This has been instrumental in revitalising those parts of the city.

In response to these issues, the 2GP Plan **{PO cl.16}** proposes aims **{Her cl.16}** to both protect the heritage values and to also encourage and allow changes necessary to facilitate appropriate re-use. To achieve this, the 2GP Plan **{PO cl.16}** contains more enabling rules and policies related to repairs and maintenance, restoration, earthquake strengthening, and other alterations required by the Building Act 2004, while activities resulting in irreversible changes to protected parts of the building, removal for relocation **{Her cl.16}** or demolition are subject to greater levels of control. In order to encourage re-use, the range of activities provided for within heritage buildings in specific zones is broadened to offer additional development opportunities. For example, in the Warehouse Precinct Zone, general retail activities are activity is **{PO cl.16}** provided for only in heritage buildings, and in the Smith Street/ and York Place Zone, office activity is only provided for in heritage buildings.

### Heritage sites

Heritage sites recognise the heritage values of a larger number of elements within a defined geographic area. This may include buildings and structures and their curtilage, gardens, open spaces and other landscape features. Such

sites are also under threat from inappropriate development if not adequately protected.

The Heritage Schedule identifies these sites within Heritage sites are listed in Appendix Schedule {Her cl.16} A1.1. The 2GP Plan {PO cl.16} provisions manage changes to these sites to ensure that the heritage values for which the site is protected are not eroded. There is a focus on managing the effects of new buildings, larger structures and site development activities {Her cl.16}, given the effects these can have on the relationships between existing structures and open space on sites. Where a site contains scheduled heritage buildings, the rules relating to heritage buildings govern changes to those buildings.

## Heritage Precincts

The Plan identifies a number of areas that have high heritage streetscape values within both the residential and commercial and mixed use {CMU cl.16} zones. These are areas with concentrated collections of high quality period buildings, whose appearance and character contributes significantly to the streetscape. In many cases, these areas were protected as heritage or townscape precincts in the operative Dunedin City District Plan (2006) {PO cl.16}.

Many of these areas contain large numbers of individually scheduled heritage buildings. The remainder of the buildings are classified as either 'character-contributing' or 'non character-contributing' buildings, depending on whether the building or site is consistent with the predominant character of the area. Character-contributing buildings are included within Schedule Appendix {Her cl.16} A1.1. Rules differ between these types of building, recognising that changes to, or removal of, non-character buildings may have little negative effect on the heritage character of the area.

The focus in the precincts is on managing the collective {Her 547.71} historic streetscape character created by individually scheduled buildings and character-contributing buildings of that precinct, as assessed at the time of scheduling. For this reason, ~~the proposed {Her cl.16} rules, therefore, {Her 547.71}~~ only apply to the parts of buildings visible from the street or other adjoining public place, with alterations that are not visible from an adjoining public place not requiring consent. As with individual heritage buildings, the provisions recognise that the ongoing use or re-use of buildings is the most effective way of maintaining the character of the precinct. As such, activities such as repairs and maintenance, restoration, and earthquake strengthening are permitted activities, while additions and alterations, removal or demolition, require consent.

New buildings that are visible from an adjoining public place require consent, with design criteria detailed for each precinct to ensure that these buildings are sympathetic to the character of the precinct (Appendix A2). However, this does not mean they are required to be replica buildings. There are also specific rules relating to fences, retaining walls and car parking areas in residential heritage precincts that aim to protect streetscape character. Car parking areas must be located away from the front boundary. This is to discourage existing front gardens, which contribute to the streetscape character, from being converted to parking areas, and to ensure that parking areas associated with new development is are appropriately located. The rules around fences will ensure that heritage buildings and their curtilage remain visible from the street.

Within the commercial areas, colours are restricted to a neutral, heritage or muted palette. The range of possible colours is broad, but does not include excessively bright colours which may detract from the streetscape character. There are also additional controls around demolition and removal for relocation {Her cl.16} within the commercial heritage precincts. Policies Policy 13.2.3.6 {Her cl.16} requires that consent is only granted where there is reasonable certainty that the land will be put to an alternative acceptable land use (for example, another building or green space). This is to avoid the creation of unsightly gaps within the central city streetscape, which can significantly reduce the streetscape character. For this reason, consent is required for demolition of all buildings within a heritage precinct that are visible from an adjoining public place.

## Archaeological sites

Statutory responsibility for archaeological sites rests with Heritage New Zealand. Archaeological sites are defined in

the Heritage New Zealand Pouhere Taonga Act 2014 as:

"...any place in New Zealand, including any building or structure (or part of a building or structure), that—

- (i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
- (ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand..."

Sites dating from after 1900 may also be declared to be archaeological sites if they may provide significant evidence relating to the historical and cultural heritage of New Zealand.

The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. This is the case regardless of whether the land on which the site is located is designated, the activity is permitted under the District or Regional Plan, or a resource or building consent has been granted. The Act also provides for substantial penalties for unauthorised destruction, damage or modification. There is a specific statutory process for applying for an authority, which is managed by Heritage New Zealand.

The key issue with regard to archaeological sites is that most are not identified in the operative plan Dunedin City District Plan (2006) {PO cl.16}, and are therefore at risk of damage if landowners are unaware of them when undertaking activities on their land. In response to this issue, the 2GP this Plan proposes to {Her cl.16} alerts land and building owners to their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014 rather than duplicating the authority process by requiring additional resource consents for work that may disturb archaeological sites. This is achieved in the following three ways.

Firstly, a number of highly significant archaeological sites are identified in Schedule Appendix {Her cl.16} A1.1 and their extent mapped. These are sites with high archaeological values and are a small subset of the known archaeological sites within Dunedin. Earthworks within these areas are subject to a performance standard requiring an archaeological authority to be obtained if one is required. A breach of this standard is a non-complying activity. Inclusion of this rule allows enforcement action to be taken if a site is disturbed without appropriate authority from Heritage New Zealand.

Secondly, the Plan establishes an archaeological alert layer. This includes many other known archaeological sites and areas of historical Māori settlement, and identifies areas that have a strong likelihood of containing archaeological remains. There are no specific rules attached to these areas in relation to archaeological remains. Instead, people undertaking development are specifically alerted that archaeological remains may be present, and are encouraged to check with Heritage New Zealand as to whether there are any recorded archaeological sites close by. There is increased potential for archaeological sites to be disturbed within the wāhi tūpuna mapped areas. These are generally included either as scheduled archaeological sites or within the archaeological alert layer. {Her 1071.47}

Thirdly, the Plan includes advice notes in all zones reminding site owners of their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014, given that archaeological remains may be present anywhere within the District. This includes advice on the correct process to be followed should an archaeological site be uncovered, and advice that demolition of pre-1900 buildings requires an archaeological authority.

## 13.2 Objectives and Policies

Objective 13.2.1	
Scheduled heritage buildings and structures are protected.	
Policy 13.2.1.1	Encourage the maintenance, ongoing use and adaptive re-use of scheduled heritage buildings, including by enabling repairs and maintenance, earthquake strengthening, and work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 where it is done in line with policies 13.2.1.2-13.2.1.4.
Policy 13.2.1.2	Require repairs and maintenance and restoration that affect a protected part of a scheduled heritage building or scheduled heritage structure to preserve and protect the heritage values of the building or structure by using appropriate materials and design.
Policy 13.2.1.3	Require earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure to use appropriate materials and design to minimise, <u>as far as practicable</u> , <b>{PO 906.34 and 308.497}</b> any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> <li>a. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>b. retaining the original façade material <u>where practicable</u> <b>{Her 308.244}</b>;</li> <li>c. minimising, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> the visual impact of additions on protected parts of the building; and</li> <li>d. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced.</li> </ul>
Policy 13.2.1.4	Enable work required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004 that affects a protected part of a scheduled heritage building or structure, provided both of the following criteria are met: <ul style="list-style-type: none"> <li>a. it is carried out in a manner that minimises, <u>as far as practicable</u>, <b>{Her 308.245, PO 906.34 and 308.497}</b> adverse effects on the heritage values of the building; and</li> <li>b. the benefit in terms of long term protection and future use of the building, <u>including earthquake strengthening</u>, <b>{Her 308.245}</b> outweighs any loss of heritage values.</li> </ul>
Policy 13.2.1.5	Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> <li>a. adverse effects on heritage values are avoided; <del>or if avoidance is not possible, are no more than minor</del> <u>minimised as far as practicable</u> <b>{Her 308.246}</b>; and</li> <li>b. the visual impact of additions on protected parts of the building, including building utilities, is minimised, <u>as far as practicable</u> <b>{Her 308.246, PO 906.34 and 308.497}</b>; and <b>{Her 308.246}</b></li> <li>c. <u>the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values</u>. <b>{Her 308.246}</b></li> </ul>

### Objective 13.2.1

Scheduled heritage buildings and structures are protected.

Policy 13.2.1.6	Only allow subdivision of sites containing scheduled heritage buildings and scheduled heritage structures where the subdivision is designed to: <ul style="list-style-type: none"> <li>a. provide sufficient curtilage around the scheduled heritage building or scheduled heritage structure to protect heritage values; and</li> <li>b. ensure any future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as is practicable.</li> </ul>
Policy 13.2.1.7	Avoid the demolition of a protected part of a scheduled heritage building or structure unless <del>all of</del> <b>{Her 308.248}</b> the following criteria are met: <ul style="list-style-type: none"> <li>a. <ul style="list-style-type: none"> <li>i. the building or part of the building poses a significant risk to safety or property; <del>and</del> <b>{Her 308.248}</b></li> <li>ii. <del>the demolition is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the building; and</del> <b>{Her 308.248}</b></li> </ul> </li> <li>b. there is no reasonable alternative to demolition, including repair, adaptive re-use, relocation or stabilising the building for future repair; and</li> <li>c. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>i. development post demolition will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>ii. <del>conditions can</del> <b>will {PO cl.16}</b> be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.</li> </ul> </li> </ul>
Policy 13.2.1.8	Only allow removal for relocation of a scheduled heritage building or structure where <del>all of</del> <b>{Her 308.249}</b> the following criteria are met: <ul style="list-style-type: none"> <li>a. the removal is necessary to <ul style="list-style-type: none"> <li>i. facilitate the ongoing use or protection of the building; <b>{Her 308.249}</b> or</li> <li>ii. ensure public safety; <del>or</del> <b>{Her 308.249}</b></li> <li>iii. <del>allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of removal of the building;</del> <b>{Her 308.249}</b></li> </ul> </li> <li>b. measures are in place to minimise, <del>as far as practicable,</del> <b>{Her 308.249, PO 906.34 and 308.497}</b> the risk of damage to the building;</li> <li>c. the heritage values of the building or structure in its new location are not significantly diminished; and</li> <li>d. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>i. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>ii. <del>conditions can</del> <b>will {PO cl.16}</b> be imposed which would give reasonable certainty that this will be completed within an acceptable timeframe.</li> </ul> </li> </ul>
Policy 13.2.1.9	Provide for general retail in scheduled heritage buildings in the Warehouse Precinct Zone and offices in scheduled heritage buildings in the Smith Street and York Place and Warehouse Precinct zones, in order to maximise the potential opportunities for adaptive re-use of heritage buildings in these areas.



## Objective 13.2.2

The heritage values of scheduled heritage sites are protected.

Policy 13.2.2.1	<p>Only allow new buildings and structures, additions and alterations, network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities, public amenities, natural hazard mitigation activities, transportation activities, and parking, loading and access on a scheduled heritage site where the heritage values of the site are protected, including by ensuring:</p> <ul style="list-style-type: none"> <li>a. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site;</li> <li>b. the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space;</li> <li>c. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable;</li> <li>d. scheduled heritage sites that are primarily open space are protected from inappropriate development; and</li> <li>e. network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities, natural hazard mitigation activities and building utilities are designed, located and/or screened to be as unobtrusive as <u>practicable</u> possible. <b>{Her 576.33}</b></li> </ul>
Policy 13.2.2.2	<p>Only allow subdivision of scheduled heritage sites where:</p> <ul style="list-style-type: none"> <li>a. the subdivision is designed to ensure any future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space;</li> <li>b. scheduled heritage sites that are primarily open space are protected from unnecessary development; and</li> <li>c. the heritage values for <u>of</u> the site are maintained.</li> </ul>

### Objective 13.2.3

The heritage streetscape character of heritage precincts is maintained or enhanced.

Policy 13.2.3.1	Require repairs and maintenance, restoration and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, to be undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design.
Policy 13.2.3.2	<p>Require development within residential heritage precincts to maintain or enhance heritage streetscape character, including by ensuring:</p> <ul style="list-style-type: none"> <li>a. garages and carports do not dominate the street;</li> <li>b. off-street car parking is located at the rear of buildings or where this is not feasible due to the location of the buildings, is set back from the street frontage <u>appropriately located or screened from view</u> <b>{Her 317.15}</b>;</li> <li>c. building heights, boundary setbacks and scale reflect heritage streetscape character; <u>and</u> <b>{Her 457.38}</b></li> <li>d. <del>network utility structures</del> <u>building utilities</u> <b>{Her cl.16}</b> are appropriately located, <u>taking into consideration operational and technical requirements</u> <b>{Her 457.38}</b>; and</li> <li>e. fences do not screen buildings from view.</li> </ul>
Policy 13.2.3.3	<p>Require development within commercial heritage precincts to maintain or enhance heritage streetscape character by ensuring:</p> <ul style="list-style-type: none"> <li>a. off-street car parking is located within or behind buildings;</li> <li>b. building heights, boundary setbacks and scale reflect heritage streetscape character; <u>and</u></li> <li>c. vehicle crossings are kept to a minimum, including avoiding commercial drive-through facilities; <u>and</u> <b>{Her 457.39}</b></li> <li>d. <del>network utility structures</del> <u>building utilities</u> <b>{Her cl.16}</b> are appropriately located, <u>taking into consideration operational and technical requirements</u> <b>{Her 457.39}</b>.</li> </ul>
Policy 13.2.3.4	Require signs within commercial heritage precincts to be located and designed to avoid <del>or, and if avoidance is not possible</del> <u>minimise, as far as practicable</u> <b>{PO 906.34 and 308.497}</b> , adverse effects on heritage streetscape character.
Policy 13.2.3.5	<p>Only allow <del>other</del> <b>{Her cl.16}</b> additions and alterations to character-contributing buildings <u>and larger additions to non character-contributing buildings; {Her 308.358}</u> where visible from a public place, where their design, materials and location achieve the following:</p> <ul style="list-style-type: none"> <li>a. for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building, <u>including earthquake strengthening; {Her 308.253}</u> outweighs any adverse effects on heritage streetscape <b>{Her cl.16}</b> character; and</li> <li>b. for all other additions and alterations, heritage streetscape character is maintained or enhanced.</li> </ul>

### Objective 13.2.3

The heritage streetscape character of heritage precincts is maintained or enhanced.

Policy 13.2.3.6	Only allow demolition or removal for relocation of a building where: <ul style="list-style-type: none"> <li>a. the heritage streetscape character of the precinct will be maintained or enhanced; and</li> <li>b. conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed that <del>would</del> <u>will</u> <b>{Her cl.16}</b> give reasonable certainty that within an acceptable timeframe: <ul style="list-style-type: none"> <li>i. a replacement building will be constructed; or</li> <li>ii. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape.</li> </ul> </li> </ul>
Policy 13.2.3.7	Only allow buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by: <ul style="list-style-type: none"> <li>a. incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where <del>possible</del> <u>practicable</u> <b>{Her 576.74}</b> and appropriate, the relevant suggested features and characteristics;</li> <li>b. maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and</li> <li>c. ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as <del>possible</del> <u>practicable</u> <b>{Her 576.74}</b>.</li> </ul>
Policy 13.2.3.8	Encourage the maintenance, ongoing use and adaptive re-use of character-contributing buildings, including by enabling repairs and maintenance, earthquake strengthening, <u>network utility connections</u> <b>{Her 925.34 and others}</b> and work required in order to comply with the Building Act 2004 section 112 and section 115 where it is done in line with policies 13.2.3.1 and 13.2.3.5.
Policy 13.2.3.9	Require buildings within commercial heritage precincts, where painted, to be a muted or heritage palette colour.
Policy 13.2.3.10	Only allow public amenities, <u>natural hazard mitigation activities</u> <b>{HazMit cl.16}</b> <sup>1</sup> and network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities where these are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character.
Policy 13.2.3.11 <b>{Her 308.358}</b>	<u>Require additions to non character-contributing buildings to use materials and design that are the same or closely similar to the building being added to, or are in accordance with the preferred design features and characteristics for the precinct, as appropriate. {Her 308.358}</u>

<sup>1</sup> **HazMit cl.16:** Not a substantive change as Rule 8.5 as notified already directed the assessment of effects on heritage values if in a heritage precinct or heritage site (also reflected in Rule 13.7)

### Objective 13.2.4

Dunedin's archaeological sites are protected from inappropriate development and use.

Policy 13.2.4.1	Require an archaeological authority to be obtained, if one is required, prior to undertaking earthworks on a scheduled archaeological site.
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## Rules

### Rule 13.3 Development Performance Standards

#### 13.3.1 Building Colour

1. The following activities in commercial heritage precincts must meet the performance standard in Rule 13.3.1.2 below:
  - a. repairs and maintenance of buildings and structures;
  - b. additions and alterations to buildings and structures; and
  - c. new buildings and structures.
2. Paint on a roof or wall that is visible from an adjoining public place must be a colour from, or indistinguishable from a colour from, the following colour palettes:
  - a. Resene Heritage Colour Palette (2006);
  - b. Resene Whites and Neutrals (2001); or
  - c. British Standard BS 5252:1976 A01 to C40.
3. Public artworks and the painting of decorative trims, windows, and doors are exempt from this performance standard.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

#### 13.3.2 Materials and Design

1. For repairs and maintenance and restoration of any part of a character-contributing building, any protected part of a scheduled heritage building or scheduled heritage structure, or any non-protected part of a scheduled heritage building within a heritage precinct, that are visible from an adjoining public place:
  - a. the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally. Except that:
    - i. concrete roofing tiles or metal and stone chip roofing tiles on character-contributing buildings **{Her 547.74}** may be replaced with any roofing material; and
    - ii. wooden windows (except stained glass and multi-light windows) **{Her 547.74}** may be retrofitted with double glazed units into the existing timber joinery.
  - b. Unpainted walls must not be painted, and un-rendered walls must not be rendered.
2. Where an elevated feature is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from a public place.
3. For earthquake strengthening of a protected part of a scheduled heritage building or scheduled heritage structure, shotcrete must not be applied to the exterior.
4. Activities that contravene this performance standard are restricted discretionary activities.**{PO cl.16}**

#### 13.3.3 Archaeological sites

1. Earthworks on a scheduled archaeological site must have an archaeological authority if required.
2. Activities that contravene this performance standard are non-complying activities.

### **Note 13.3.3A - Other requirements outside of the District Plan**

1. ~~The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to modify or destroy, or cause to be modified or destroyed, the whole or any part of an archaeological site without the prior authority of Heritage New Zealand. An archaeological authority is required under the Heritage New Zealand Pouhere Taonga Act 2014 to modify or destroy an archaeological site. This is the case regardless of whether resource consent for the activity has been obtained under this rule. {Her 547.80}~~ If you wish to do any earthworks that may affect an archaeological site, you must first obtain an authority from Heritage New Zealand before you begin {Her 547.80}. This is the case regardless of whether the land on which the {Her 547.80} site is located is {Her 547.80} designated, or the activity is permitted under the District Plan or Regional Plan or a resource or building consent has been granted.
2. The Heritage New Zealand Pouhere Taonga Accidental Discovery Protocol (Appendix A8) manages archaeological sites which that {Her cl.16} may be discovered as a result of earthworks. The protocol applies to any area, not just scheduled archaeological sites.
3. Scheduled archaeological sites are identified on the planning maps. Archaeological sites may also be found outside these areas, but are more likely to be found within the archaeological alert layer. {Her 1071.47}
4. Where an archaeological authority is held for the earthworks, no resource consent from the DCC is required under this rule. Resource consent for the same earthworks may be required under other rules in this Plan. {Her 796.5}

## Rule 13.4 Assessment of Controlled Activities

### Rule 13.4.1 Introduction

1. Controlled activities will be assessed in accordance with section 104 and 104A of the RMA. Council must grant the application and may impose conditions with respect to matters over which it has reserved its control.
2. Rules 13.4.2:
  - a. lists the matters over which Council has reserved its control; and
  - b. provides guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi); and
    - ii. conditions that may be imposed.

### 13.4.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
1. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure, where external features only are protected.	a. Effects <b>{Her cl.16}</b> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> any adverse effects on the heritage values of the building, including by:               <ol style="list-style-type: none"> <li>1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>2. retaining the original façade material <u>where practicable</u> <b>{Her 308.244}</b>;</li> <li>3. minimising, <u>as far as practicable</u>, <b>{PO 906.34 and 308.497}</b> the visual effect of additions on protected parts of the building; and</li> <li>4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3).</li> </ol> </li> </ol> <p><i>Conditions that may be imposed include:</i></p> <ol style="list-style-type: none"> <li>iii. <u>Requirements around</u> <b>{Her cl.16}</b> the design and implementation of the works, including materials and methods used.</li> </ol>

### 13.4.2 Assessment of controlled activities

Activity	Matters of control	Guidance on the assessment of resource consents
2. <u>Restoration of a protected part of a scheduled heritage building or scheduled heritage structure that has a Heritage New Zealand Category 1 listing (as detailed in Appendix A1.1) {Her 547.91}</u>	a. <u>Effects on heritage values</u>	<p><u>Relevant objectives and policies:</u></p> <ul style="list-style-type: none"> <li>i. <u>Objective 13.2.1</u></li> <li>ii. <u>Restoration preserves and protects the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2).</u></li> </ul> <p><u>Conditions that may be imposed include:</u></p> <ul style="list-style-type: none"> <li>iii. <u>The design and implementation of the works, including materials and methods used.</u></li> </ul> <p><u>General assessment guidance:</u></p> <ul style="list-style-type: none"> <li>iv. <u>Council will consider the extent to which the materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced.</u></li> </ul>
3. <u>In a heritage precinct, additions and alterations to a non character-contributing building that involve: {Her 308.358}</u> <ul style="list-style-type: none"> <li>• <u>an increase in the footprint of 10m<sup>2</sup>;</u></li> <li>• <u>an increase in the height of the building by more than 2m; or</u></li> <li>• <u>the replacement of a pitched roof with a mono plane roof (residential heritage precincts only).</u></li> </ul>	a. <u>Effect on heritage streetscape character</u>	<p><u>Relevant objectives and policies</u></p> <ul style="list-style-type: none"> <li>i. <u>Objective 13.2.3</u></li> <li>ii. <u>The design and materials used are the same or closely similar to the building being added to, or are in accordance with the preferred design features and characteristics for the precinct, as appropriate (Policy 13.2.3.11).</u></li> </ul> <p><u>Conditions that may be imposed include:</u></p> <ul style="list-style-type: none"> <li>iii. <u>The design of the works, including materials used.</u></li> </ul> <p><u>General assessment guidance:</u></p> <ul style="list-style-type: none"> <li>iv. <u>Council will consider the extent to which:</u> <ul style="list-style-type: none"> <li>1. <u>the relevant preferred design features and characteristics and, where practicable and appropriate, the relevant suggested features and characteristics, listed in Appendix A2; are achieved in the design; and</u></li> <li>2. <u>the design of any additions and alterations that does not detract further from the heritage streetscape character of the precinct.</u></li> </ul> </li> </ul>

## **Rule 13.5 Assessment of Restricted Discretionary Activities (Performance Standard Contraventions)**

### **Rule 13.5.1 Introduction**

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 13.5.2 - 13.5.4:
  - a. list the matters Council will restrict its discretion to; and
  - b. provide guidance on how consent applications will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.



### 13.5.2 Assessment of all performance standard contraventions

Performance standard	Guidance on the assessment of resource consents
1. All performance standard contraventions	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>a. Objectives 2.4.2, 2.4.3</li> <li>b. Policies 32.4.2.1, 2.4.3.2</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>c. The degree of non-compliance with the performance standard is minor.</li> <li>d. There are positive effects on heritage values through not meeting the performance standards.</li> <li>e. The need to meet other performance standards <u>or</u> site specific factors, including topography, make meeting the standard impracticable.</li> <li>f. Non-compliance with a development performance standard would improve the design of the development in a way that would result in positive effects and better achieve the identified objectives and policies of the Plan.</li> </ul> <p><i>General assessment guidance:</i></p> <ul style="list-style-type: none"> <li>g. For work affecting a scheduled heritage building or <u>scheduled heritage</u> <b>{Her cl.16}</b> structure, Council will consider the extent to which the work enables the ongoing use of the building or structure in line with Policy 13.2.1.1</li> <li>h. For work affecting a character-contributing building or <u>scheduled heritage</u> <b>{Her cl.16}</b> structure, Council will consider the extent to which the work enables ongoing use of the building in line with Policy 13.2.3.8</li> <li>i. Where more than one standard is contravened, <u>Council will consider</u> <b>{Her cl.16}</b> the combined effects of the contraventions <del>should be considered</del> <b>{Her cl.16}</b>.</li> <li>j. In balancing consideration of the objectives and policies related to the maintenance of heritage values or heritage precinct streetscape character and those related to general amenity, <u>Council greater weight</u> will usually be placed <u>greater weight</u> <b>{Her cl.16}</b> on heritage policies.</li> <li>k. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</li> <li>l. Where there is a conflict between compliance with performance standards and protection of heritage values, <u>Council will give precedence to</u> <b>{Her cl.16}</b> protection of heritage values <del>should take precedence</del> <b>{Her cl.16}</b>.</li> </ul>

### 13.5.3 Assessment of performance standard contraventions that affect a protected part of a Scheduled Heritage Building, Scheduled Heritage Structure, or Scheduled Heritage Site

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
1. Materials and design	a. Effects <i>{Her cl.16}</i> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. Repairs and maintenance and restoration that affect a protected part of a scheduled heritage building or scheduled heritage structure preserve and protect the heritage values of the building or structure by using appropriate materials and design (Policy 13.2.1.2).</li> <li>iii. Earthquake strengthening that affects a protected part of a scheduled heritage building or scheduled heritage structure uses appropriate materials and design to minimise, <u>as far as practicable</u>, <i>{PO 906.34 and 308.497}</i> any adverse effects on the heritage values of the building, including by: <ul style="list-style-type: none"> <li>1. protecting, as far as possible, architectural features and details that contribute to the heritage values of the building;</li> <li>2. retaining the original façade material <u>where practicable</u> <i>{Her 308.244}</i>; and</li> <li>3. minimising, <u>as far as practicable</u>, <i>{PO 906.34 and 308.497}</i> the visual effect of additions on protected parts of the building; and</li> <li>4. in the case of the replacement of an elevated feature on a façade or roof, the new feature is visually indistinguishable from the feature being replaced (Policy 13.2.1.3).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Alternative materials are used only where: <ul style="list-style-type: none"> <li>1. it is not feasible to use the same or equivalent materials due to unavailability, excessive cost or unacceptable performance in terms of Building Act 2004 requirements; and</li> <li>2. their effect on the heritage values of the building or structure is minor; and</li> <li>3. they are as close to the original material in appearance as possible.</li> </ul> </li> <li>v. Where an alternative design is proposed there is clear justification for its use, and the design is architecturally compatible with the design of the building or structure.</li> <li>vi. Rendering of unrendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</li> <li>vii. Where unpainted surfaces are painted, either the unpainted surface is not a key architectural, <u>aesthetic or historic</u> <i>{Her 547.89}</i> feature of the building or structure, or the <u>aesthetic</u> <i>{Her 547.89}</i> quality of the unpainted surface is low</li> </ul>

### 13.5.3 Assessment of performance standard contraventions that affect a protected part of a Scheduled Heritage Building, Scheduled Heritage Structure, or Scheduled Heritage Site

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
		and its appearance will be improved by painting, including through the installation of approved murals or street art, <u>and it is determined that painting will not prove damaging to the underlying fabric and threaten the overall condition of the building or structure.</u> <b>{Her 547.89}</b>
2. <u>Maximum volume in pedestrian street frontage mapped areas, heritage precincts and scheduled heritage sites (network utility activities)</u> <b>{NU 457.20}</b>	a. <u>Effects on heritage values</u>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. <u>Objective 13.2.2</u></li> <li>ii. <u>The heritage values of the site are protected, including by ensuring that network utility activities are designed, located and/or screened to be as unobtrusive as practicable (Policy 13.2.2.1).</u></li> </ul>

#### 13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard		Matters of discretion	Guidance on the assessment of resource consents
1.	Boundary setbacks	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring that building heights, boundary setbacks and scale reflect heritage streetscape character (policies 13.2.3.2.c, 13.2.3.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The boundary setback is consistent with the setbacks of surrounding properties.</li> <li>iv. The visual cohesion of the street is not reduced by the increase in setback.</li> <li>v. There is significant variability in the setback of buildings from the street frontage in the vicinity of the site.</li> </ul>
2.	Building colour	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Buildings are painted a muted or heritage palette colour (Policy 13.2.3.9).</li> </ul>
3.	Fence height and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring that fences do not screen buildings from view (Policy 13.2.3.2.e).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The fence is highly permeable.</li> <li>iv. The fence only screens an existing non character-contributing building.</li> <li>v. The fence maintains an attractive interface with the street.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vi. Landscaping requirements between the fence and any public place.</li> </ul>

#### 13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
4. <ul style="list-style-type: none"> <li>Height in relation to boundary</li> <li>Maximum height</li> <li>Height (CMU)</li> </ul>	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Development within heritage precincts maintains or enhances heritage streetscape character by ensuring that building heights, boundary setbacks and scale reflect heritage streetscape character (policies 13.2.3.2.c, 13.2.3.3.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The height and height profile is consistent with that of the buildings on either side.</li> <li>iv. There is significant variability in the height and height profile of buildings from the street frontage in the vicinity of the site.</li> <li>v. The height of the building does not reduce the visual cohesion of the street.</li> <li>vi. The building is to the rear of the site, located behind a building on the street frontage.</li> </ul>
5. Location and screening of car parking	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Development within commercial heritage precincts maintains or enhances heritage streetscape character by ensuring: off-street car parking is located <u>within or behind buildings at the rear of buildings, or where this is not feasible due to the location of the buildings, is set back from the street frontage</u> (Policy 13.2.3.32.ab <b>{Her cl.16'}</b>).</li> <li>iii. Development within residential heritage precincts maintains or enhances heritage streetscape character by ensuring: <u>off-street car parking is located within or behind buildings off-street car parking is appropriately located or screened from view</u> <b>{Her 317.15}</b> ;(Policy 13.2.3.3-a 13.2.3.2.b) <b>{Her cl.16}</b></li> </ul>



#### 13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
6. Materials and design	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Require that repairs and maintenance, restoration and earthquake strengthening of a character-contributing building, where the work is visible from an adjoining public place, are undertaken in a way that maintains or enhances the heritage streetscape character of the precinct by using appropriate materials and design (Policy 13.2.3.1).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iii. The development avoids, or where avoidance is not possible, minimises loss of fabric and features that contribute to the heritage streetscape character.</li> <li>iv. Where alternative materials are used, their effect on the heritage streetscape character is minor. This may include the use of muted colours.</li> <li>v. Where an alternative design is proposed, it is architecturally compatible with the design of the building.</li> <li>vi. Rendering of un-rendered surfaces is undertaken only where the surface has deteriorated and cannot feasibly be repaired.</li> <li>vii. Where unpainted surfaces are painted, either the unpainted surface is not a key architectural feature of the building, or the quality of the unpainted surface is low and its appearance will be improved by painting, including through the installation of approved murals or street art.</li> </ul>
7. Number, location and design of ancillary signs	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Signs within commercial heritage precincts are located and designed to avoid <del>or and if avoidance is not possible</del> minimise, <u>as far as practicable</u>, <b>{PO 908.34 and 308.497}</b> adverse effects on heritage streetscape character (Policy 13.2.3.4).</li> </ul>

#### 13.5.4 Assessment of performance standard contraventions in a Heritage Precinct

Performance standard	Matters of discretion	Guidance on the assessment of resource consents
<p>8.</p> <ul style="list-style-type: none"> <li>Location (network utility activities)</li> <li>Maximum volume in <b>pedestrian street frontage mapped areas</b>, heritage precincts and scheduled heritage sites (network utility activities) <b>{NU 457.20}</b></li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.3</li> <li>Development within heritage precincts maintains or enhances heritage streetscape character by ensuring: Network utilities utility <b>{NU cl.16}</b> structures activities <b>{NU cl.16}</b> are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10). appropriately located (Policy 13.2.3.2.d and 13.2.3.3.d). <b>{Her cl.16}</b></li> </ol>

<sup>1</sup> **Her cl.16:** Policy 13.2.3.2 does not apply to commercial heritage precincts and has been replaced with the correct policy (13.2.3.3).

## Rule 13.6 Assessment of Restricted Discretionary Activities

### Rule 13.6.1 Introduction

1. Restricted discretionary activities will be assessed in accordance with section 104 and 104C of the RMA, meaning only those matters to which Council has restricted its discretion will be considered, and Council may grant or refuse the application, and, if granted, may impose conditions with respect to matters over which it has restricted its discretion.
2. Rules 13.6.2 - 13.6.4:
  - a. list the matters Council will restrict its discretion to; and
  - b. provide guidance on how a consent application will be assessed, including:
    - i. relevant objectives and policies, with respect to s104(1)(b)(vi);
    - ii. potential circumstances that may support a consent application;
    - iii. general assessment guidance; and
    - iv. conditions that may be imposed.

### 13.6.2 Assessment of all restricted discretionary activities

Activity	Guidance on the assessment of resource consents
1. All restricted discretionary activities	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>a. Objectives 2.4.1, 2.4.2, 2.4.3</li> <li>b. Policies 2.4.1.3, 2.4.2.1, 2.4.2.2, 2.4.3.2</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. For work affecting a scheduled heritage building or structure, Council will consider:               <ol style="list-style-type: none"> <li>i. the extent to which the work enables the ongoing use of the building or structure in line with Policy 13.2.1.1; <u>and</u></li> <li>ii. <u>the cumulative effects of the proposed work together with any previous changes on the heritage values of the property.</u> <b>{Her 547.71}</b></li> </ol> </li> <li>d. For work affecting a character-contributing building or structure, Council will consider:               <ol style="list-style-type: none"> <li>i. the extent to which the work enables the ongoing use of the building in line with Policy 13.2.3.8; <u>and</u></li> <li>ii. <u>the cumulative effects of the proposed work together with any previous changes on the heritage values of the property and on the overall heritage character of the precinct.</u> <b>{Her 547.71}</b></li> </ol> </li> <li>e. For all restricted discretionary activities, Council will consider whether there are positive effects on heritage values.</li> <li>f. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</li> </ol>

**13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site**

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>1. On a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• New buildings and structures where visible from an adjoining public place or a public place within the heritage site</li> <li>• Parking, loading and access where visible from an adjoining public place or a public place within the heritage site</li> <li>• Earthworks - large scale (that exceed scale thresholds for a scheduled heritage site)</li> <li>• Network <del>utilities</del> <u>utility</u> {<b>NU cl.16</b>} poles and masts - small scale</li> <li>• Wind generators - <del>on-site energy generation</del> <u>small scale</u> {<b>NU 308.122</b>}</li> <li>• Hydro generators - <del>on-site energy generation</del> <u>small scale</u> {<b>NU 308.122</b>}</li> <li>• Solar panels - <del>on-site energy generation</del> <u>small scale</u> {<b>NU 308.122</b>}</li> <li>• Energy resource <del>investigation devices</del> {<b>NU 308.122</b>}</li> <li>• All restricted discretionary public amenities activities</li> </ul>	<p>a. Effects <b>{Her cl.16}</b> on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>i. Objective 13.2.2</li> <li>ii. Activities on a scheduled heritage site protect the heritage values of the site, including by ensuring: <ol style="list-style-type: none"> <li>1. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the scheduled heritage site;</li> <li>2. the location of the development is compatible with that of scheduled heritage buildings and scheduled heritage structures on the <del>scheduled heritage</del> <b>{Her cl.16}</b> site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space;</li> <li>3. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the scheduled heritage site are maintained as far as is practicable;</li> <li>4. scheduled heritage sites that are primarily open space are protected from inappropriate development; and</li> <li>5. <del>network utilities utility activities</del> <b>{NU cl.16}</b>, <del>natural hazard mitigation activities</del> <b>{HazMit cl.16}</b> and building utilities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> <b>{Her 576.33}</b> (Policy 13.2.2.1).</li> </ol> </li> </ol>

**13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site**

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. On a <b>scheduled heritage site</b>:</p> <ul style="list-style-type: none"> <li>• All subdivision activities</li> </ul>	<p>a. Effects on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.2</li> <li>ii. Future land use or development respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space (Policy 13.2.2.2.a).</li> <li>iii. Scheduled heritage sites that are primarily open space are protected from unnecessary development (Policy 13.2.2.2.b).</li> <li>iv. Heritage values <del>for</del> <u>of</u> the site are maintained (Policy 13.2.2.2.c).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>v. The subdivision will result in better outcomes for heritage values than would otherwise exist.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vi. A building platform registered against the Certificate of Title by way of consent notice.</li> </ul>



**13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site**

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>3. Additions and alterations (other than restoration or earthquake strengthening), where external features only are protected, <b>that affect a protected part of a scheduled heritage building or scheduled heritage structure</b></p>	<p>a. Effects <b>{Her cl.16}</b> on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. <del>Where {Her cl.16}</del> Work is required to comply with section 112 (Alterations) and section 115 (Change of Use) of the Building Act 2004: <del>Enable work provided meets {Her cl.16} both of the following criteria are met {Her cl.16}:</del> <ul style="list-style-type: none"> <li>1. it is carried out in a manner that minimises, <u>as far as practicable, {Her 308.245 and PO 906.34 and 308.497}</u> adverse effects on the heritage values of the building; and</li> <li>2. the benefit in terms of long-term protection and future use of the building, <u>including earthquake strengthening, {Her 308.245}</u> outweighs any loss of heritage values (Policy 13.2.1.4).</li> </ul> </li> <li>iii. Only allow other additions and alterations that affect a protected part of a scheduled heritage building or structure where: <ul style="list-style-type: none"> <li>1. adverse effects on heritage values are avoided, or if avoidance is not possible, are <del>no more than minor minimised as far as practicable {Her 308.246};</del> and</li> <li>2. the visual effect of additions on protected parts of the building, including building utilities, is minimised <u>as far as practicable {Her 308.246, PO 906.34 and 308.497};</u> and</li> <li>3. <u>the benefit in terms of long term protection and future use of the building outweighs any loss of heritage values {Her 308.246}</u> (Policy 13.2.1.5).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. Removal of more recent additions to a building or structure will result in an overall enhancement of the heritage values of the building or structure.</li> <li>v. The form, scale, proportion and materials used are architecturally compatible with the existing building or structure and do not dominate the protected parts.</li> <li>vi. Architectural features and details are not removed.</li> </ul>

**13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site**

Activity	Matters of discretion	Guidance on the assessment of resource consents
4. Removal of a scheduled heritage building for relocation	a. Effects <b>{Her cl.16}</b> on heritage values	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.1</li> <li>ii. Only allow removal where all of <b>{Her 308.249}</b> the following criteria are met: <ul style="list-style-type: none"> <li>1. the removal is necessary to <ul style="list-style-type: none"> <li>1. facilitate the ongoing use or protection of the building; <b>{Her 308.249}</b> or</li> <li>2. ensure public safety; or <b>{Her 308.249}</b></li> <li>3. <u>allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of removal of the building; {Her 308.249}</u></li> </ul> </li> <li>2. measures are in place to minimise, as far as practicable, <b>{Her 308.249, PO 906.34 and 308.497}</b> the risk of damage to the building;</li> <li>3. the heritage values of the building or structure in its new location are not significantly diminished; and</li> <li>4. for buildings and structures located within a heritage precinct: <ul style="list-style-type: none"> <li>1. development post relocation will maintain or enhance the heritage streetscape character and amenity in accordance with Policy 13.2.3.6; and</li> <li>2. conditions <del>can</del> <u>will</u> <b>{PO cl.16}</b> be imposed which would give reasonable certainty that within an acceptable timeframe (Policy 13.2.1.8).</li> </ul> </li> </ul> </li> </ul>

**13.6.3 Assessment of restricted discretionary development {Her cl.16} activities that affect a protected part of a scheduled heritage building or scheduled heritage structure, or a scheduled heritage site**

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>5. All subdivision activities <b>on sites containing scheduled heritage buildings and scheduled heritage structures</b></p>	<p>a. Effects on heritage values</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objectives 13.2.1</li> <li>ii. Sufficient curtilage is provided around the scheduled heritage building or scheduled heritage structure to protect heritage values (Policy 13.2.1.6.a).</li> <li>iii. Future land use or development will maintain existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places, as far as is practicable (Policy 13.2.1.6.b).</li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. The subdivision will result in better outcomes for heritage values than would otherwise exist.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>v. A building platform registered against the Certificate of Title by way of consent notice.</li> </ul>

<sup>1</sup> **HazMit cl.16:** The reference to natural hazard mitigation activities has been removed as natural hazard mitigation activities are a discretionary activity not a restricted discretionary activity.

#### 13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
1. <ul style="list-style-type: none"> <li>New buildings</li> <li>Structures greater than 2.5m high and 2m<sup>2</sup> footprint in a residential heritage precinct that are visible from an adjoining public place:</li> </ul>	a. Effects on heritage streetscape character	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.3</li> <li>Only allow new buildings and structures that are visible from an adjoining public place, where their design, materials and location ensure the heritage streetscape character of the precinct is maintained or enhanced, including by:               <ol style="list-style-type: none"> <li>incorporating into the design the relevant preferred design features and characteristics listed in Appendix A2 and, where possible practicable {Her 576.74} and appropriate, the relevant suggested features and characteristics;</li> <li>maintaining existing views of scheduled heritage buildings and character-contributing buildings from adjoining public places as far as practicable; and</li> <li>ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as possible practicable {Her 576.74} (Policy 13.2.3.7).</li> </ol> </li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>Maintaining or enhancing the heritage streetscape character may be achieved by:               <ol style="list-style-type: none"> <li>Including the relevant preferred design features and characteristics and, where possible and appropriate, the relevant suggested features and characteristics, listed in Appendix A2. {Her cl.16}</li> </ol> </li> <li><u>For new buildings and structures within a heritage precinct, Council will consider, and may impose conditions on, elements of building design such as height and setbacks even where these meet performance standards for the zone, where these matters are important to meet Objective 13.2.3 and policies 13.2.3.5 and 13.2.3.7. {CMU 252.19}</u></li> </ol> <p><i>Potential circumstances that may support a consent application include: {Her cl.16}</i></p> <ol style="list-style-type: none"> <li>Where the new building is located within an integrated group of character-contributing or scheduled heritage buildings, the design maintains the coherence of the group and the contribution it makes to the heritage streetscape character.</li> </ol>

### 13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>2. Additions or alterations to a character-contributing building or a non-protected part of a scheduled heritage building in a heritage precinct that are visible from an adjoining public place (other than earthquake strengthening or restoration)</p> <p>Additions and alterations to a non character-contributing building that involve: <b>{Her 308.358}</b></p> <ul style="list-style-type: none"> <li>• an increase in the footprint of more than 40m<sup>2</sup>; or</li> <li>• an increase in the height of the building by more than 2m; or</li> <li>• the replacement of a pitched roof with a flat roof.</li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ol style="list-style-type: none"> <li>Objective 13.2.3</li> <li><u>Heritage streetscape character is maintained or enhanced, including by ensuring building utilities are appropriately located, taking into consideration operational and technical requirements (policies 13.2.3.2.d, 13.2.3.3.d) {Her 457.38 and 457.39}</u></li> <li>Only allow other <b>{Her cl.16}</b> additions and alterations to character-contributing buildings and larger additions to non-character-contributing buildings, <b>{Her 308.358}</b> where visible from a public place, where their design, materials and location achieve the following: <ol style="list-style-type: none"> <li>for work that is required in order to comply with the Building Act 2004 section 112 and section 115, the benefits in terms of long term protection and future use of the building, <u>including earthquake strengthening, {Her 308.253}</u> outweigh any adverse effects on heritage streetscape <b>{Her cl.16}</b> character (Policy 13.2.3.5.a) <b>{Her cl.16}</b>; and</li> <li>for all other additions and alterations, heritage streetscape character is maintained or enhanced (Policy 13.2.3.5.b).</li> </ol> </li> <li><u>Only allow buildings and structures where their design, materials and location ensure the heritage streetscape character is maintained or enhanced including by: {Her cl.16'}</u> <ol style="list-style-type: none"> <li>the design includes incorporating into the design <b>{Her cl.16}</b> the relevant preferred design features and characteristics and, where possible and appropriate, the suggested features and characteristics <b>{Her 576.74}</b> listed in Appendix A2 and, where practicable and appropriate, the relevant suggested features and characteristics <b>{Her cl.16}</b>.</li> <li><u>maintaining {Her cl.16}</u> existing views of any existing character-contributing building or scheduled heritage building are maintained <b>{Her cl.16}</b> as far as practicable.</li> <li><u>from adjoining public places, ensuring structures whose design unavoidably conflicts with precinct characteristics are as unobtrusive as practicable (Policy 13.2.3.7). {Her cl.16'}</u></li> </ol> </li> </ol> <p><i>Potential circumstances that may support a consent application include: {Her cl.16}</i></p>



### 13.6.4 Assessment of restricted discretionary development {Her cl.16} activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
		<p>v. Decorative architectural features and fabric on character-contributing buildings that contribute to the heritage streetscape character are protected as far as possible practicable {Her 576.74}.</p> <p>vi. Where the building is character-contributing and is part of an integrated group of buildings, the additions and alterations maintain the coherence of the group and the contribution the group makes to the streetscape character.</p> <p><i>General assessment guidance: {CMU 252.19}</i></p> <p>vii. <u>For additions and alterations within a heritage precinct, Council will consider, and may impose conditions on, elements of building design such as height and setbacks even where these meet performance standards for the zone, where these matters are important to meet Objective 13.2.3 and policies 13.2.3.5 and 13.2.3.7.</u></p>
<p>3. Demolition or removal for relocation of:</p> <ul style="list-style-type: none"> <li>• a character-contributing building;</li> <li>• a non-protected part of a scheduled heritage building; or</li> <li>• a non character-contributing building that adjoins the road frontage (in a commercial heritage precinct).</li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. The heritage streetscape character of the zone will be maintained or enhanced (Policy 13.2.3.6.a).</li> <li>iii. Conditions <del>can</del> <u>will</u> {PO cl.16} be imposed that would give reasonable certainty that within an acceptable timeframe: <ul style="list-style-type: none"> <li>1. a replacement building will be constructed; or</li> <li>2. the land will be put to an acceptable alternative land use that will make a positive contribution to the amenity of the streetscape (Policy 13.2.3.6.b).</li> </ul> </li> </ul> <p><i>Potential circumstances that may support a consent application include:</i></p> <ul style="list-style-type: none"> <li>iv. For buildings that are part of an integrated group of character-contributing buildings, retention of the character-contributing façade will be preferred over full demolition.</li> <li>v. The building being demolished or removed will be replaced by one of appropriate design that provides an equivalent or better contribution to the streetscape heritage <u>streetscape</u> {Her cl.16} character.</li> <li>vi. Where the site will not be built on in the short to medium term, landscaping will provide an attractive interface with the street in the interim.</li> </ul> <p><i>Conditions that may be imposed include:</i></p> <ul style="list-style-type: none"> <li>vii. Landscaping requirements to soften or screen open sites following demolition.</li> </ul>

#### 13.6.4 Assessment of restricted discretionary development *{Her cl.16}* activities in heritage precinct

Activity	Matters of discretion	Guidance on the assessment of resource consents
<p>4.</p> <ul style="list-style-type: none"> <li>• All restricted discretionary public amenities activities</li> <li>• Network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> poles and masts - small scale</li> <li>• Wind generators - on-site energy generation <u>small scale</u> <b>{NU 308.122}</b></li> <li>• Hydro - generators - on-site energy generation <u>small scale</u> <b>{NU 308.122}</b></li> <li>• Solar panels - on-site energy generation <u>small scale</u> <b>{NU 308.122}</b></li> <li>• Energy resource investigation devices <b>{NU 308.122}</b></li> </ul>	<p>a. Effects on heritage streetscape character</p>	<p><i>Relevant objectives and policies:</i></p> <ul style="list-style-type: none"> <li>i. Objective 13.2.3</li> <li>ii. Public amenities and network <del>utilities</del> <u>utility</u> <b>{NU cl.16}</b> activities are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).</li> </ul>

<sup>1</sup> **Her cl.16:** Policy 13.2.3.7 is relevant and was partially referenced. This minor change ensures the full policy is referenced.

## Rule 13.7 Assessment of Discretionary Activities

### Rule 13.7.1 Introduction

1. Discretionary activities will be assessed in accordance with section 104 and 104B of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rule 13.7.2 provides guidance on how a consent application for the listed discretionary activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi);
  - b. potential circumstances that may support a consent application;
  - c. general assessment guidance, including any effects that will be considered as a priority; and
  - d. conditions that may be imposed.

### 13.7.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
1. All discretionary activities <u>that are linked to section 13.7, including but not limited to the activities listed below</u> <b>{PO cl. 16}</b>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objectives 2.4.2, 2.4.3</li> <li>b. Policies 2.4.2.2, 2.4.3.2</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2: <b>{Her cl.16}</b></li> </ol>
2. <b>On a scheduled heritage site:</b> <ul style="list-style-type: none"> <li>• Discretionary transportation activities</li> <li>• Discretionary public amenities</li> <li>• <u>Natural Hazard mitigation earthworks and structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Natural hazard mitigation structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Network utilities utility</u> <b>{NU cl.16}</b> structures - large scale <u>other than amateur radio configurations</u> <b>{NU cl.16}</b></li> <li>• <u>Solar panels</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Hydro generators</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Substations</u> <b>{NU 915.17}</b></li> </ul>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 13.2.2</li> <li>b. The heritage values of the scheduled heritage site are maintained or enhanced, including by ensuring:               <ol style="list-style-type: none"> <li>i. the form, scale and proportion of the development, and the materials used, are architecturally compatible with the existing scheduled heritage buildings and scheduled heritage structures within the site;</li> <li>ii. the location of the development is compatible with that of the scheduled heritage buildings and scheduled heritage structures on the site, and respects the relationship between scheduled heritage buildings, scheduled heritage structures and open space;</li> <li>iii. existing views of scheduled heritage buildings or scheduled heritage structures from adjoining public places and publicly accessible areas within the site are maintained as far as is practicable;</li> <li>iv. sites that are primarily open space are protected from inappropriate development; and</li> <li>v. network utilities utility activities <b>{NU cl.16}</b> and hazard mitigation activities are designed, located and/or screened to be as unobtrusive as possible <u>practicable</u> <b>{Her 576.33}</b> (Policy 13.2.2.1).</li> </ol> </li> </ol>

### 13.7.2 Assessment of discretionary activities

Activity	Guidance on the assessment of resource consents
<p>3. <b>In a heritage precinct:</b></p> <ul style="list-style-type: none"> <li>• <u>Natural hazard mitigation earthworks</u> <b>{HazMit cl.16}</b></li> <li>• <u>Natural hazard mitigation structures</u> <b>{HazMit cl.16}</b></li> <li>• <u>Network utilities utility</u> <b>{NU cl.16}</b> structures - large scale <u>other than amateur radio configurations</u> <b>{NU cl.16}</b></li> <li>• <u>Solar panels</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Hydro-generators</u> – community scale <b>{NU 308.122}</b></li> <li>• <u>Substations</u> <b>{NU 915.17}</b></li> </ul>	<p><i>Relevant objectives and policies:</i></p> <p>a. Objective 13.2.3</p> <p>b. Network utilities <u>utility</u> <b>{NU cl.16}</b> activities <u>and natural hazard mitigation activities</u> <b>{HazMit cl.16}</b> are located and designed to minimise, as far as practicable, any adverse effects on heritage streetscape character (Policy 13.2.3.10).</p> <p><i>General assessment guidance:</i></p> <p>c. <u>In assessing the effects on heritage streetscape character, Council will consider the heritage precinct values in Appendix A2.</u> <b>{Her cl.16}</b></p>

<sup>1</sup> **HazMit cl.16:** Natural hazard mitigation activities have been added to this rule as these are a discretionary activity (previously erroneously listed in the restricted discretionary activity rule (13.6)).

## Rule 13.8 Assessment of Non-complying Activities

### Rule 13.8.1 Introduction

1. Non-complying activities will be assessed in accordance with section 104, 104B and 104D of the RMA meaning Council may grant or refuse the application, and, if granted, may impose conditions.
2. Rules 13.8.2 - 13.8.4 provide guidance on how a consent application for the listed non-complying activities will be assessed, including:
  - a. relevant objectives and policies that will be considered as a priority with respect to s104(1)(b)(vi); and
  - b. general assessment guidance, including any effects that will be considered as a priority.

### 13.8.2 Assessment of all non-complying activities

Activity	Guidance on the assessment of resource consents
1. All non-complying activities <u>that are linked to section 13.8, including but not limited to the activities listed below {PO cl. 16}</u>	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. The activity does not detract from, or preferably contributes to, the strategic directions objectives, including, but not limited to Objective 2.4.2</li> <li>b. Policy 2.4.2.1.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. In assessing the significance of effects, consideration will be given to:               <ol style="list-style-type: none"> <li>i. both short and long term effects, including effects in combination with other activities; and</li> <li>ii. the potential for cumulative adverse effects arising from similar activities occurring as a result of a precedent being set by the granting of a resource consent.;</li> </ol> </li> <li>d. In assessing the effects on heritage streetscape character, Council will consider the values in <u>Schedule Appendix A2</u>.</li> </ol>

### 13.8.3 Assessment of non-complying activities

Activity	Guidance on the assessment of resource consents
1. Demolition of a protected part of a scheduled heritage building or scheduled heritage structure	<p><i>Relevant objectives and policies (priority considerations):</i></p> <ol style="list-style-type: none"> <li>a. Objective 13.2.1</li> <li>b. Policy 13.2.1.7.</li> </ol> <p><i>General assessment guidance:</i></p> <ol style="list-style-type: none"> <li>c. The assessment for resource consent for demolition of a scheduled heritage building will consider the information provided with the consent application (see Special Information Requirements - Rule 13.9.1).</li> </ol>

#### 13.8.4 Assessment of non-complying performance standard contraventions

Performance standard		Guidance on the assessment of resource consents
1.	Archaeological sites (earthworks)	<i>Relevant objectives and policies (priority considerations):</i> a. Objective 13.2.4 b. Policy 13.2.4.1
2.	<u>Location and screening of car parking {CMU cl.16}</u>	<i>Relevant objectives and policies (priority considerations):</i> a. <u>Objective 13.2.3</u> b. <u>Policy 13.2.3.3.a</u>

<sup>1</sup> **CMU cl.16:** The assessment rule for non-compliance with the performance standard for location and screening of car parking within a commercial heritage precinct was missing from Rule 13.8. This has been added in as a minor and inconsequential change.

## **Rule 13.9 Special Information Requirements**

### **13.9.1 Demolition of a scheduled heritage building requirements**

1. For resource consent applications proposing demolition of a scheduled heritage building, the following is required:
  - a. A full discussion of the alternatives considered, including quantified reasons why the alternatives are not reasonable.
  - b. Where demolition is proposed due to seismic risk, a detailed seismic assessment, fully quantified costs and an economic analysis of seismic upgrade (including a staged upgrade) to the minimum requirements by a Chartered Professional Engineer qualified engineer with demonstrated experience of assessment and seismic upgrade of buildings with the same or similar construction form and materials. The information should include the methods of strengthening considered.
  - c. Where partial demolition is proposed:
    - i. Evidence of the structural feasibility of retaining the part of the building proposed for retention.
    - ii. A Heritage Impact Assessment addressing the effect the partial demolition will have on the heritage values of the building.
2. All information provided in support of any resource consent application, including engineering assessments, consideration of alternatives and design statements may be peer reviewed by Dunedin City **{Her cl.16}** Council prior to making a decision.



