
11 HERITAGE RULES

11.1 ACTIVITIES

11.1.1 GENERAL RULES

Alterations to heritage buildings, objects, properties or places of special interest shall be deemed to exclude general maintenance, which involves replacement with materials that are the same as the original materials. No consent is necessary for such maintenance work. The Council has produced the document, *Oamaru Central Area Design Guidelines*, to assist in the alteration, renovation or restoration and building development which compliments and enhances the historic character of the Business 1, 1A and H Zones.

11.1.2 CATEGORY A HERITAGE ITEMS

11.1.2.1 DISCRETIONARY ACTIVITIES

The following activities shall be **Discretionary Activities**:

- 1 Any alteration or addition to a building, object, property, or place of special interest, identified as Category A in Appendix B and noted on the Planning Maps.

11.1.2.2 NON-COMPLYING ACTIVITIES.

The following activities shall be **Non-Complying Activities**:

- 1 Any demolition or removal of a building, object, property, or place of special interest, identified as Category A in Appendix B and noted on the Planning Maps.

11.1.3 CATEGORY B HERITAGE ITEMS

11.1.3.1 DISCRETIONARY ACTIVITIES

The following activities shall be **Discretionary Activities**:

- 1 Any demolition, removal, alteration or addition to a heritage building, object, property or place of special interest identified as Category B in Appendix B and noted on the Planning Maps.

11.1.4 CATEGORY A AND CATEGORY B HERITAGE TREES

11.1.4.1 PERMITTED ACTIVITIES

The following activities shall be **Permitted Activities**:

- 1 Hand trimming or pruning of the heritage tree(s) for tree maintenance purposes;
- 2 Machine trimming or pruning of the heritage tree(s) for tree maintenance purposes, provided that the Waitaki District Council Recreation Department is contacted and consulted with 10 days in advance to ensure the correct trimming or pruning methods are implemented;

- 3 Machine or hand trimming or pruning of the heritage tree(s) for tree maintenance purposes permitted in Rules 11.1.4.1 (1) and (2) shall be undertaken following recognised arboricultural standards.

11.1.5 CATEGORY A HERITAGE TREES

11.1.5.1 NON-COMPLYING ACTIVITIES

The following activities shall be **Non-Complying Activities**:

- 1 Any work included under paragraphs (a) to (c) below and involving a tree or group of trees identified as Category A in Appendix B and noted on the Planning Maps and any World War I Memorial Trees identified in the Waitaki District Council World War I Memorial Tree Report December 1992:
 - a) removal of any protected tree; or
 - b) the construction of any building or laying of overhead or underground services within 5m of the base of any protected tree, whether on the site or not; or
 - c) paving within 0.5m of the base of any protected tree.

11.1.6 CATEGORY B HERITAGE TREES

11.1.6.1 DISCRETIONARY ACTIVITIES

The following activities shall be **Discretionary Activities**:

- 1 Any work included under paragraphs (a) to (c) below and involving a tree or group of trees identified as Category B in Appendix B and noted on the Planning Maps:
 - a) removal of any protected tree; or
 - b) the construction of any building or laying of overhead or underground services within 5m of the base of any protected tree, whether on the site or not; or
 - c) paving within 0.5m of the base of any protected tree.

11.2 RESOURCE CONSENTS - ASSESSMENT MATTERS

11.2.1 GENERAL

- 1 The following Assessment Matters are methods or matters included in the District Plan, in order to enable the Council to implement the Plan's policies and fulfil its functions and duties under the Act.
- 2 In addition to the applicable provisions of the Act, the Council shall also apply the relevant *Assessment Matters* set out in Rule 11.2.2 below.
- 3 In the case of *Discretionary Activities*, where the exercise of the Council's discretion is restricted to the matter(s) specified in a particular standard(s), the assessment matters taken into account shall only be those relevant to that/those standard(s).

11.2.2 ASSESSMENT MATTERS

In considering whether or not to grant consent or impose conditions, the Council shall have regard to, but not be limited by, the following assessment matters:

1 Heritage Items - Discretionary Activities

- a) that any immediate or cumulative effects of the loss, removal, alteration or addition to the heritage building, object, property or place of special interest on local and District-wide heritage (with regard to the reasons for its listing) be taken into account;
- b) where a building is part of a group of similar buildings, any adverse effect on the integrity of building character in the vicinity be considered;
- c) any ability by the applicant to retain important features of the building, place or object, if it is not feasible to retain the whole building, place or object;
- d) any ability of the applicant to develop the site without altering, removing or demolishing the heritage building, object, property or place of special interest including where possible and appropriate or relocating the listed building, place or object elsewhere on site or to another site;
- e) the extent to which any alteration or addition is compatible with the original design and material, and the extent to which a new building is compatible with the heritage character of the area;
- f) any incentives available to the applicant to retain the building, place or object;
- g) in the case of any place of cultural and spiritual significance to takata whenua, the adequacy of consultation and the response to that consultation;
- h) whether it would be appropriate to impose a restriction on any work involving major alterations, additions, removal or demolition for a specified time period to explore options to retain the building, object, property or place and/or its key features;
- i) in the case of major additions, alterations, removal or demolition, the provisions by the applicant of photographs or other information relating to the building, object, property or place prior to work commencing.

2 Heritage Trees - Discretionary Activity

- a) whether the applicant has the ability to undertake a permitted activity without removal or any major trimming of the tree;
- b) the condition of the tree including any potential hazard;
- c) the effect of any trimming, or disturbance of the root system, of the tree on its appearance or health;
- d) the effect of any building on the visibility of the tree from a road or public place;
- e) whether the tree or trees are currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned;
- f) the provisions of Section 129(c) of the Property Law Act;
- g) whether the tree or trees seriously restrict a proposed development;
- h) any substitute or compensating tree planting or landscaping proposed.

