

## **ZONE RULES - REVISED RECOMMENDED AMENDMENTS**

For reference purposes, the amendments proposed in this closing statement are notated as follows:

- black = notified text;
- blue = revised text now being recommended.

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**CHAPTER 16 RESIDENTIAL ZONE****Rule 16.2.6.1 Notable tree – removal or destruction**

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from an <a href="#">an works</a> <sup>1</sup> arborist that states that the tree is dead, dying, diseased or unsafe in accordance with Appendix I I Tree Removal Certificate.
RD1	(a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 16.2.6.1 PI. (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

**Rule 16.2.6.2 Notable tree – Trimming<sup>2</sup>**

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>is either:</del> <del>(i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist;</del> or <del>no more than 10% of live foliage with a the</del> maximum branch diameter <del>does not</del> exceeding 50mm at <del>the point of severance and no more than 10% of live foliage growth is removed in any single consecutive 12 month period</del> <u>must comply with the following conditions:</u> <u>(i) All trimming must retain the natural shape, form and growth habit of the tree species.</u> <u>(ii) All tree works are undertaken by a competent arborist.</u>
RD1 <sup>3</sup>	(a) The trimming of a notable tree that does not comply with Rule 16.2.6.2. P1. (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; <u>and</u> (ii) Effects on amenity values; <u>and</u> (iii) <u>Effects on heritage values; and</u> (iv) <u>Effects on the natural shape, form and growth habit of the tree species.</u>

**Rule 16.2.6.3 Notable tree – Activities within the dripline<sup>4</sup>**

P1	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must <del>not comply with all of the following conditions:</del> (i) <del>No involve</del> excavation, compaction, sealing or soil disturbance <del>and or</del> placement of fill material <del>or cleanfill</del> , except for the sealing of an existing road or footpath; (ii) <del>No involve</del> parking or storage of materials, vehicles or machinery;
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<sup>1</sup> Consequential change to ensure consistency across the zones

<sup>2</sup> [697.326]

<sup>3</sup> [697.116]

<sup>4</sup> [697.117], [697.118], [697.119]

	(iii) Discharge <del>of</del> an eco-toxic substance; and <sup>5</sup> (iv) <del>No Involve</del> construction of structures.
RD1	(a) Any activity <u>within the dripline of the notable tree</u> that does not comply with Rule 16.2.6.3 P1. (b) Council's discretion shall be restricted to the following matters: (i) Location of activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) Effect on the health <u>and vitality</u> of the tree; and (v) Amenity values.

**Rule 16.3.11 Historic Heritage Items<sup>6</sup>**

- (1) The following rules manage Historic Heritage Items ~~heritage items~~ (buildings and monuments):
- (a) 16.3.11.1 - ~~Group A~~ Ranked<sup>7</sup> Historic Heritage Item - Demolition, removal or relocation  
(b) 16.3.11.2 ~~Group B~~ Ranked<sup>8</sup> Historic Heritage Item - Demolition, removal or relocation  
~~(c) 16.3.11.3 All heritage items – Alterations or additions~~  
~~(d) (c) 16.3.11.34 All~~ Historic Heritage Items - Maintenance or repair  
~~(e) (d) 16.3.11.4 All Historic Heritage Items - Alterations or additions~~  
(e) 16.3.11.5 All Historic Heritage Items - ~~All~~ Site development
- (2) The rules in 16.3.11.6 - Matangi and Huntly ~~addresse~~ address<sup>9</sup> development within the two precincts.

**Rule 16.3.11.1 ~~Group A~~ Ranked<sup>10</sup> Historic Heritage Item - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <del>Group A</del> <u>Ranked<sup>11</sup> Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**Rule 16.3.11.2 ~~Group B~~ Ranked<sup>12</sup> Historic Heritage Item - Demolition, removal or relocation**

D1	Demolition, removal or relocation of any <del>Group B</del> <u>Ranked<sup>13</sup> Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**~~Rule 16.3.11.3 All heritage items – Alterations or addition~~**

<del>P1</del>	<del>(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) —no significant feature of interest is removed, destroyed or damaged;</del>
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<sup>5</sup> [946.7]<sup>6</sup> [697.141]<sup>7</sup> [697.307]<sup>8</sup> [697.307]<sup>9</sup> [697.142]<sup>10</sup> [697.307]<sup>11</sup> [697.307]<sup>12</sup> [697.307]<sup>13</sup> [697.307]

	<del>(ii) alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Any activity that does not comply with Rule 16.3.11.3 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; and (ii) effects on heritage values</del>

**Rule ~~16.3.11.4~~ 16.3.11.3 All Historic Heritage Items - Maintenance or repair**

PI <sup>14</sup>	<del>(a) Maintenance or repair of a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic</u> Heritage Items) must comply with <del>all of</del> the following conditions: (i) <del>no significant feature of interest is destroyed or damaged; and</del> (ii) (i) Replacement materials are the same as, or similar to, the original in terms of <u>colour, texture, form and design to the original that it replaces</u> <del>form, style and appearance.</del></del>
RD <sup>15</sup>	<del>(a) Any activity that does not comply with Rule 16.3.11.4 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.</del>

**Rule 16.3.11.4 All Historic Heritage Items - Alterations or addition<sup>16</sup>**

P1	<del>(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) no significant feature of interest is removed, destroyed or damaged; (ii) alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Any alteration or addition to a <u>Historic Heritage Item</u> in Schedule 30.1 (<u>Historic</u> Heritage Items). (b) <u>Council's discretion shall be restricted to the following matters:</u> (i) <u>Location, form, scale, style, materials, appearance;</u> (ii) <u>effects on Heritage Values; and</u> (iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u></del>

**Rule 16.3.11.5 All Historic Heritage Items - All site Site<sup>17</sup> development**

PI <sup>18</sup>	<del>(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic</u> Heritage Items) must comply with <del>all of</del> the following conditions: (i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u> (i) <del>be set back at least 10m from the heritage item;</del></del>
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<sup>14</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120], [697.288], [697.417], [697.815], [697.911] and [697.995]

<sup>15</sup> [559.121]

<sup>16</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>17</sup> [697.145]

<sup>18</sup> [559.137]

	<del>(ii) not locate a building between the front of the heritage item and the road.</del>
RD1 <sup>19</sup>	<p>(a) <del>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items) Any activity that does not comply with one or more conditions of Rule 16.3.11.5 P1.</del></p> <p>(b) Council's discretion <del>is</del> shall be<sup>20</sup> restricted to the following matters:</p> <p>(i) effects on the <del>Heritage V</del>values, context and <del>the Extent of S</del>setting of the <del>Historic Heritage Item heritage item</del>;</p> <p>(ii) location, design, size, materials and finish;</p> <p>(iii) landscaping;</p> <p>(iv) The relationship of the <del>Historic Heritage Item heritage item</del> with <del>its the Extent of S</del>setting, <del>including the area between the front of the heritage item and the road.</del></p>

#### Rule 16.3.11.6 Heritage precincts – Matangi and Huntly<sup>21</sup>

C1	<p><del>(a) Construction of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps that is set back at least 8m from road boundaries.</del></p> <p><del>(b) Council's control is reserved over the following matters:</del></p> <p><del>(i) Effects on historic heritage, amenity values and character of the precinct; and</del></p> <p><del>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</del></p>
C2	<p><del>(a) Alteration of a building in the Matangi or Huntly Heritage Precincts identified on the planning maps.</del></p> <p><del>(b) Council's control is reserved over the following matters:</del></p> <p><del>(i) Effects on historic heritage, amenity values and character of the precinct; and</del></p> <p><del>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide).</del></p>
C3	<p><del>(a) Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</del></p> <p><del>(b) Council's control is reserved over the following matters:</del></p> <p><del>(i) Effects on historic heritage, amenity values and character of the precinct; and</del></p> <p><del>(ii) Advertising signs.</del></p>
RD1	<p>(a) <del>Construction, alteration</del> of <del>to</del> a building in the Matangi Heritage Precinct or the Huntly Heritage Precinct identified on the planning maps <del>that does not comply with Rule 16.3.11.6 C1, C2 or C3.</del></p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on historic heritage, amenity values and character of the precinct;</p> <p>(ii) Building height, side setbacks, scale, form, materials and architectural style to be consistent with the relevant part of Appendix 3.6 (Matangi Heritage Precinct Design Guide) or Appendix 3.5 (Huntly Heritage Precinct Design Guide);</p> <p><del>(iii) Advertising signs; and</del></p> <p><del>(iv) (iii) Setback from road boundaries</del></p>

<sup>19</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>20</sup> [697.818], [697.914]

<sup>21</sup> [559.143], [559.243], [559.244] and [559.245]

RD2	<p>(a) <u>Attachment of an advertising sign(s) to a building or located within the 8m setback from road boundaries in the Matangi or Huntly Heritage Precincts identified on the planning maps.</u></p> <p>(b) <u>Council's discretion shall be reserved to the following matters:</u></p> <p>(i) <u>Effects on historic heritage, amenity values and character of the precinct;</u></p> <p>(ii) <u>Advertising signs; and</u></p> <p>(iii) <u>Setback from road boundaries.</u></p>
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#### Rule 16.4.10 Subdivision of land containing Historic Heritage Items<sup>22</sup>

RD1	<p>(a) Subdivision of land containing a <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 (<u>Historic Heritage Items</u>).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on <u>Hheritage Vvalues</u>;</p> <p>(ii) Context and setting of the <u>Historic Heritage Item heritage item</u>; and</p> <p>(iii) The extent to which the relationship of the <u>Historic Heritage Item heritage item</u> with its <u>Extent of Ssetting</u> is maintained <u>within one lot</u>.</p>
NC1	Subdivision that does not comply with Rule 16.4.10 RD1

## CHAPTER 17 BUSINESS ZONE

#### Rule 17.2.6.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from <del>a works an</del> <sup>23</sup> arborist that states that the tree is dead, dying, diseased or unsafe <u>in accordance with Appendix 11 Tree Removal Certificate</u> . <sup>24</sup>
<del>PI</del> RD1 <sup>25</sup>	<p>(a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 17.2.6.1 PI.</p> <p>(b) Council's <del>control discretion</del> is <u>limited restricted</u> to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out;</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on heritage values.</p>

#### Rule 17.2.6.2 Notable tree – trimming<sup>26</sup>

P1	a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>is either: (i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or no more than 10% of live foliage with a the</del> maximum branch
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<sup>22</sup> [559.251]

<sup>23</sup> Consequential change to ensure consistency across the zones

<sup>24</sup> [697.187]

<sup>25</sup> [697.188]

<sup>26</sup> [697.471]

	<p>diameter <del>does not</del> exceeding 50mm at <u>the point of severance</u> <del>and no more than 10% of live foliage growth is removed</del> in any single consecutive 12 month period <u>must comply with the following conditions:</u></p> <p><u>(i) All trimming must retain the natural shape, form and growth habit of the tree species.</u></p> <p><u>(ii) All tree works are undertaken by a competent arborist.</u></p>
RD1	<p>(a) The trimming of a notable tree that does not comply with Rule 17.2.6.2 P1.</p> <p>(b) Council's discretion is limited to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out; and</p> <p>(ii) Effects on amenity values; <u>and</u></p> <p><u>(iii) Effects on heritage values; and</u></p> <p><u>(iv) Effects on the natural shape, form and growth habit of the tree species.</u></p>

### Rule 17.2.6.3 Notable tree – activities within the dripline<sup>27</sup>

P1	<p>(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not:</p> <p>(i) Involve excavation, compaction, sealing or soil disturbance <del>and</del> <u>or</u> placement of fill material <u>or cleanfill</u>, except for the sealing of an existing road or footpath;</p> <p>(ii) Involve parking or storage of materials, vehicles or machinery;</p> <p>(iii) Discharge <del>of</del> an eco-toxic substance; and <sup>28</sup></p> <p>(iv) Involve construction of structures.</p>
RD1	<p>(a) Any activity within the dripline of a notable tree that does not comply with Rule 17.2.6.3 P1.</p> <p>(b) Council's discretion is limited to the following matters:</p> <p>(i) Location of the activity in relation to the tree;</p> <p>(ii) Timing and manner in which the activity is carried out;</p> <p>(iii) Remedial measures;</p> <p>(iv) Effect on the health <u>and vitality</u> of the tree; <u>and</u></p> <p>(v) Amenity values</p>

<sup>27</sup> [697.189]

<sup>28</sup> [946.7]

**Rule 17.3.8 Historic Heritage Items<sup>29</sup>**

- (1) The following rules manage [Historic Heritage Item heritage items](#) (buildings and monuments):
- (a) 17.3.8.1 - ~~Group A~~ [Ranked<sup>30</sup> Historic Heritage Item](#) - Demolition, removal or relocation
  - (b) 17.3.8.2 ~~Group B~~ [Ranked<sup>31</sup> Historic Heritage Item](#) - Demolition, removal or relocation
  - ~~(c) 17.3.8.3 All heritage items – Alterations or additions~~
  - ~~(d) (c) 17.3.8.34 All Historic Heritage Items - Maintenance or repair~~
  - ~~(d) 17.3.8.4 All Historic Heritage Items - Alterations or additions~~
  - (e) 17.3.8.5 All Historic Heritage Items - [All](#) site development

**Rule 17.3.8.1 ~~Group A~~ [Ranked<sup>32</sup> Historic Heritage Item](#) - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <del>Group A</del> <a href="#">Ranked<sup>33</sup> Historic Heritage Item heritage item</a> listed in Schedule 30.1 ( <a href="#">Historic Heritage Items</a> )
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**Rule 17.3.8.2 ~~Group B~~ [Ranked<sup>34</sup> Historic Heritage Item](#) - Demolition, removal or relocation**

D1	Demolition, removal or relocation of any <del>Group B</del> <a href="#">Ranked<sup>35</sup> Historic Heritage Item heritage item</a> listed in Schedule 30.1 ( <a href="#">Historic Heritage Items</a> )
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**~~Rule 17.3.8.3 All heritage items – Alterations or addition~~**

P1	<del>(a) Alteration or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) No significant feature of interest is removed, destroyed or damaged; (ii) Alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Alteration or addition to a heritage item that does not comply with Rule 17.3.8.3 P1. (b) The Council's discretion shall be limited to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values</del>

**Rule ~~17.3.7.4~~ [17.3.8.3](#)<sup>36</sup> All [Historic Heritage Items](#) - Maintenance or repair**

PI <sup>37</sup>	<del>(a) Maintenance or repair of a <a href="#">Historic Heritage Item heritage item</a> listed in Schedule 30.1 (<a href="#">Historic Heritage Items</a>) must comply with the following conditions: (i) no significant feature of interest is destroyed or damaged; and (ii) (i) Replacement materials are the same as, or similar to, the original in terms of colour, texture, form and design to the original that it replaces form, style and appearance.</del>
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<sup>29</sup> [697.216]<sup>30</sup> [697.307]<sup>31</sup> [697.307]<sup>32</sup> [697.307]<sup>33</sup> [697.307]<sup>34</sup> [697.307]<sup>35</sup> [697.307]<sup>36</sup> [697.218]<sup>37</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120], [697.288], [697.417], [697.815], [697.911] and [697.995]

RD <sup>138</sup>	<p><del>(a) Any activity that does not comply with Rule 17.3.8.4 PI.</del></p> <p><del>(b) Council's discretion shall be restricted to the following matters:</del></p> <p><del>(i) form, style, materials, appearance;</del></p> <p><del>(ii) effects on heritage values.</del></p>
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#### Rule 17.3.8.4 All Historic Heritage Items - Alterations or addition<sup>39</sup>

P1	<p><del>(b) Alteration or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:</del></p> <p><del>(iii) No significant feature of interest is removed, destroyed or damaged;</del></p> <p><del>(iv) Alterations or additions are not visible from a public place.</del></p>
RD1	<p>(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u></p> <p>(b) <u>Council's discretion shall be restricted to the following matters:</u></p> <p>(i) <u>Location, form, scale, style, materials, appearance;</u></p> <p>(ii) <u>Effects on Heritage Values; and</u></p> <p>(iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u></p>

#### Rule ~~17.3.7.5~~ 17.3.8.5<sup>40</sup> All Historic Heritage Items - All site development

PI <sup>41</sup>	<p>(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (Historic Heritage Items) <del>shall</del> <u>must comply with the following condition:</u></p> <p>(i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u></p> <p><del>(i) be set back at least 10m from the heritage item;</del></p> <p><del>(ii) not locate a building between the front of the heritage item and the road.</del></p>
RD1 <sup>42</sup>	<p>(a) <u>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items) Any activity that does not comply with one or more conditions of Rule <del>17.3.7.5</del> 17.3.8.5 PI.</u></p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) effects on the <u>Heritage V</u>alues, context and <u>Extent of S</u>etting of the <u>Historic Heritage Item</u> <del>heritage item</del>;</p> <p>(ii) location, design, size, materials and finish;</p> <p>(iii) landscaping;</p> <p>(iv) The relationship of the <u>Historic Heritage Item</u> <del>heritage item</del> with <u>its the Extent of S</u>etting <u>including the area between the front of the heritage item and the road.</u><sup>43</sup></p>

#### **Rule 17.4.1.5 Subdivision - land containing Historic Heritage Items<sup>44</sup>**

<sup>38</sup> [559.122]

<sup>39</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>40</sup> [697.219]

<sup>41</sup> [559.138]

<sup>42</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>43</sup> [FS1323.72], [FS1323.73], [FS1323.74], [FS1323.75] and [FS1323.77]

<sup>44</sup> [559.246]

RD1	<p>(a) Subdivision of land containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic</u> Heritage Items).</p> <p>(b) Council's discretion shall be restricted to the following matters:</p> <p>(i) Effects on <u>Heritage Values</u> <del>heritage values</del>;</p> <p>(ii) Context and setting of the <u>Historic Heritage Item</u> <del>heritage item</del>;</p> <p>(iii) The extent to which the relationship of the <u>Historic Heritage Item</u> <del>heritage item</del> with its <u>Extent of Ssetting</u> is maintained <u>within one lot</u>.</p>
NC1	Subdivision that does not comply with Rule 17.4.1.5 RD1

## CHAPTER 18 BUSINESS TOWN CENTRE ZONE

### Rule 18.2.6.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from <u>an works</u> <sup>45</sup> arborist that states that the tree is dead, dying, diseased or unsafe in accordance with Appendix I I Tree Removal Certificate.
RD1	<p>(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 18.2.6.1 PI.</p> <p>(b) Council's discretion is <u>limited-restricted</u> to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out;</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on heritage values.</p>

### Rule 18.2.6.2 Notable tree – trimming <sup>46</sup>

P1	<p>a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>is either:</del> <u>(i) to remove dead, dying, or diseased branches and the tree work is undertaken by a works arborist; or no more than 10% of live foliage with a the maximum branch diameter does not exceeding 50mm at the point of severance and no more than 10% of live foliage growth is removed</u> in any single consecutive 12 month period <u>must comply with the following conditions:</u></p> <p><u>(i) All trimming must retain the natural shape, form and growth habit of the tree species.</u></p> <p><u>(ii) All tree works are undertaken by a competent arborist.</u></p>
RD1	<p>(a) The trimming of a notable tree that does not comply with Rule 18.2.6.2 P1.</p> <p>(b) The Council's discretion is limited to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out and by whom;</p> <p>(ii) Effects on public safety;</p> <p>(iii) Effects on amenity values; <u>and</u></p> <p><u>(iv) Effects on heritage values; and</u></p> <p><u>(v) Effects on the natural shape, form and growth habit of the tree species.</u></p>

<sup>45</sup> Consequential change to ensure consistency across the zones

<sup>46</sup> [697.472]

**Rule 18.2.6.3 Notable tree - activities within the dripline<sup>47</sup>**

P1	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) <del>complies with the following conditions</del> <b>must not</b> : (i) <del>No</del> <b>involve</b> excavation, compaction, sealing or soil disturbance <del>and or</del> placement of fill material <b>or cleanfill</b> , except for the sealing of an existing road or footpath; <del>and</del> (ii) <del>No</del> <b>involve</b> parking or storage of materials, vehicles or machinery; and (iii) <del>No</del> discharge <del>of</del> an eco-toxic substance; and <sup>48</sup> (iv) <del>No</del> <b>involve construction of</b> structures.
RD1	(a) Any activity <u>within the dripline of a notable tree</u> that does not comply with Rule 18.2.6.3 P1. (b) The Council's discretion is limited to the following matters: (i) Location of activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) Effect on the health <u>and vitality</u> of the tree; <u>and</u> (v) Amenity values.

**Rule 18.3.10 Historic Heritage Items<sup>49</sup>**

(1) The following rules manage Historic Heritage Item heritage items (buildings and monuments) within the Business town Centre:

- (a) 18.3.10.1 ~~Group A~~ Ranked<sup>50</sup> Historic Heritage Item - Demolition, removal or relocation;
- (b) 18.3.10.2 ~~Group B~~ Ranked<sup>51</sup> Historic Heritage Item - Demolition, removal or relocation;
- ~~(c) 18.3.10.3 All heritage items - Alterations or additions~~
- ~~(d) (c) 18.3.10.34 All~~ Historic Heritage Items - Maintenance or repair
- (d) 18.3.10.4 All Historic Heritage Items - Alterations or additions
- (e) 18.3.10.5 All Historic Heritage Items - All site development

**Rule 18.3.10.1 ~~Group A~~ Ranked<sup>52</sup> Historic Heritage Item - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <del>Group A</del> <u>Ranked<sup>53</sup> Historic</u> Heritage Item <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items).
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<sup>47</sup> [697.269]

<sup>48</sup> [946.7]

<sup>49</sup> [697.284], [697.285]

<sup>50</sup> [697.307]

<sup>51</sup> [697.307]

<sup>52</sup> [697.307]

<sup>53</sup> [697.307]

**Rule 18.3.10.2 Group B Ranked<sup>54</sup> Historic Heritage Item - Demolition, removal or relocation**

P1 <sup>55</sup>	<del>(a) Demolition, removal or relocation of Group B heritage item 104 Ngaruawahia Plunket Rooms listed in Schedule 30.1 (Heritage Items) must comply with all of the following conditions: (i) The owner advises the Ngaruawahia Community Board in writing 20 working days prior to the removal or demolition (in whole or part) of the building; (ii) A heritage research report on the building by a qualified heritage researcher as well as a comprehensive photographic record of the interior and exterior of the building is completed and made available in Council records.</del>
D1	Demolition, removal or relocation of any Group B Ranked <sup>56</sup> Historic Heritage Item heritage item listed in Schedule 30.1 (Historic Heritage Items)
D2 <sup>57</sup>	Demolition, removal or relocation of Group B heritage item 104 Ngaruawahia Plunket Rooms that does not meet Rule 18.3.10.2.

**Rule 18.3.10.3 All heritage items—alteration or addition**

P1	<del>(a) Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) where: (i) No significant feature of interest is removed, destroyed or damaged; and (ii) Alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Alteration or addition of a heritage item that does not comply with Rule 18.3.10.3 P1. (b) The Council's discretion shall be limited to the following matters: (i) Form, style, materials, appearance; (ii) Effects on heritage values.</del>

**Rule 18.3.10.43 All Historic Heritage Items - Maintenance or repair**

PI <sup>58</sup>	<del>(a) Maintenance or repair of a Historic Heritage Item heritage item listed in Schedule 30.1 (Historic Heritage Items) where must comply with the following condition: (i) no significant feature of interest is destroyed or damaged; and (ii) (i) Replacement materials are the same as, or similar to, the original in terms of colour, texture, form and design to the original that it replaces form, style and appearance.</del>
RD1 <sup>59</sup>	<del>(a) Any activity that does not comply with Rule 16.3.11.4 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.</del>

<sup>54</sup> [697.307]<sup>55</sup> [559.95]<sup>56</sup> [697.307]<sup>57</sup> [559.103]<sup>58</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120],[697.288], [697.417], [697.815], [697.911] and [697.995]<sup>59</sup> [559.123]

**Rule 18.3.10.4 All Historic Heritage Items - Alteration or addition**<sup>60</sup>

P1	(a) <del>Alteration or addition to of a heritage item listed in Schedule 30.1 (Heritage Items) where:</del> <del>(iii) No significant feature of interest is removed, destroyed or damaged; and</del> <del>(iv) Alterations or additions are not visible from a public place.</del>
RD1	(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u> (b) <u>Council's discretion shall be restricted to the following matters:</u> (i) <u>Location, form, scale, style, materials, appearance;</u> (ii) <u>Effects on Heritage Values; and</u> (iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u>

**Rule 18.3.10.5 All Historic Heritage Items - All site development**

PI <sup>61</sup>	(a) Development on a site containing a <u>Historic Heritage Item</u> heritage item listed in Schedule 30.1 ( <u>Historic Heritage Items</u> ) must <u>comply with the following condition:</u> (i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u> <del>(i) be set back at least 10m from the heritage item;</del> <del>(ii) not locate a building between the front of the heritage item and the road.</del>
RD1 <sup>62</sup>	(a) <del>Any activity</del> <u>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items) that does not comply with one or more conditions of Rule 18.3.10.5 PI.</u> (b) Council's discretion shall be restricted to the following matters: (i) effects on the <u>Heritage Values values</u> , context and <u>Extent of Setting setting</u> of the <u>Historic</u> Heritage Item; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) The relationship of the <u>Historic Heritage Item heritage item</u> with <del>its</del> <u>the Extent of Ssetting.</u>

**Rule 18.4.6 Subdivision - land containing Historic Heritage Items**<sup>63</sup>

RD1	(a) Subdivision of land containing a <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic Heritage Items</u> ) where the <u>Historic Heritage Item heritage item</u> is wholly contained within one lot. (b) The Council's discretion is limited to the following matters: (i) Effects on <u>Heritage Values heritage values</u> ; (ii) Context and setting of the <u>Historic</u> Heritage Item; (iii) The extent to which the relationship of the <u>Historic Heritage Item heritage item</u> with its <u>Extent of Setting setting</u> is maintained <u>within one lot.</u>
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<sup>60</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>61</sup> [559.128]

<sup>62</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>63</sup> [559.247] and [559.254]

<u>D1</u> <u>NC1</u>	Subdivision that does not comply with Rule 18.4.6 RD1
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## CHAPTER 20 INDUSTRIAL ZONE

### Rule 20.3.5 Historic Heritage items<sup>64</sup>

(1) The following rules manage Historic Heritage Items ~~heritage items~~ (buildings and monuments):

- (a) 20.3.5.1 - ~~Group~~ A Ranked<sup>65</sup> Historic Heritage Item - Demolition, removal or relocation
- (b) 20.3.5.2 - ~~Group~~ B Ranked<sup>66</sup> Historic Heritage Item - Demolition, removal or relocation
- ~~(c) 20.3.5.3 All heritage items – Alterations or additions~~
- ~~(d) (c) 20.3.5.34 All Historic Heritage Items - Maintenance or repair~~
- ~~(d) 20.3.5.4 All Historic Heritage Items - Alterations or additions~~
- (e) 20.3.5.5 - All Historic Heritage Items - All site development

### Rule 20.3.5.1 ~~Group~~ A Ranked<sup>67</sup> Historic Heritage Item - Demolition, removal or relocation

NC1	Demolition, removal or relocation of any <del>Group</del> A <u>Ranked</u> <sup>68</sup> <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic Heritage Items</u> )
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### Rule 20.3.5.2 ~~Group~~ B Ranked<sup>69</sup> Historic Heritage Item - Demolition, removal or relocation

D1	Demolition, removal or relocation of any <del>Group</del> B <u>Ranked</u> <sup>70</sup> <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic Heritage Items</u> )
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### ~~Rule 20.3.5.3 All heritage items – alteration or addition~~

P1	<del>(a) Alteration of, or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions: (i) no significant feature of interest is removed, destroyed or damaged; and (ii) alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Any activity that does not comply with Rule 20.3.5.3 P1. (b) Council's discretion is restricted to the following matters: (i) form, style, materials and appearance; and (ii) effects on heritage values.</del>

<sup>64</sup> [697.141], [FS1323.53]

<sup>65</sup> [697.307]

<sup>66</sup> [697.307]

<sup>67</sup> [697.307]

<sup>68</sup> [697.307]

<sup>69</sup> [697.307]

<sup>70</sup> [697.307]

**Rule 20.3.5.34 All Historic Heritage Items - Maintenance or repair**

PI <sup>71</sup>	(a) Maintenance or repair of a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items) must comply with the following conditions: (i) <del>no significant feature of interest is destroyed or damaged; and</del> (ii) (i) Replacement materials are the same as, or similar to, the original in terms of <u>colour, texture, form and design to the original that it replaces</u> <del>form, style and appearance.</del>
RD <sup>72</sup>	(a) <del>Any activity that does not comply with Rule 16.3.11.4 PI.</del> (b) <del>Council's discretion shall be restricted to the following matters:</del> (i) <del>form, style, materials, appearance;</del> (ii) <del>effects on heritage values.</del>

**Rule 20.3.5.4 All Historic Heritage Items - Alteration or addition**<sup>73</sup>

P1	(a) <del>Alteration of, or addition to a heritage item listed in Schedule 30.1 (Heritage Items) must comply with the following conditions:</del> (iii) <del>no significant feature of interest is removed, destroyed or damaged; and</del> (iv) <del>alterations or additions are not visible from a public place.</del>
RD1	(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u> (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>Location, form, scale, style, materials and appearance;</u> (ii) <u>Effects on Heritage Values; and</u> (iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u>

**Rule 20.3.5.5 All Historic Heritage Items - All site development**

PI <sup>74</sup>	(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items) must comply with <del>all of</del> the following conditions: (i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u> (i) <del>be set back at least 10m from the heritage item; and</del> (ii) <del>not locate a building between the front of the heritage item and the road.</del>
RD <sup>75</sup>	(a) <u>Any activity <u>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items)</u> that does not comply with <del>one or more conditions of</del> Rule 20.3.5.5 PI.</u> (b) Council's discretion <del>is shall be</del> <sup>76</sup> restricted to the following matters: (i) effects on the <u>Heritage Values</u> <del>values</del> , context and <u>Extent of Setting</u> <del>setting</del> of the <u>Historic</u> Heritage Item; (ii) location, design, size, materials and finish;

<sup>71</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120],[697.288], [697.417], [697.815], [697.911] and [697.995]

<sup>72</sup> [559.124]

<sup>73</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>74</sup> [559.132] and [559.139]

<sup>75</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>76</sup> [697.818], [697.914]

	<p>(iii) landscaping;</p> <p>(iv) The relationship of the heritage item with <u>its the Extent of Setting setting including the area between the front of the heritage item and the road.</u><sup>77</sup></p>
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#### Rule 20.4.5 Subdivision of land containing **Historic** Heritage Items<sup>78</sup>

RD1	<p>(a) <u>The boundaries of every proposed lot must not divide any of the following:</u> <u>Subdivision of land containing a</u></p> <p>(i) <u>A Historic Heritage Item heritage item</u> listed in Schedule 30.1 (Historic Heritage Items) <u>where the heritage item is wholly contained within one lot.</u></p> <p>(ii) <u>Maaori Sites of Significance in Schedule 30.3 (Maori Sites of Significance);</u></p> <p>(iii) <u>Maaori Areas of Significance in Schedule 30.4 (Maori Areas of Significance).</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) effects on <u>Heritage Values heritage values;</u></p> <p>(ii) context and setting of the heritage item; and</p> <p>(iii) the extent to which the relationship of the <u>Historic Heritage Item heritage item</u> with its <u>Extent of Setting setting</u> is maintained <u>within one lot.</u></p>
NC1	Subdivision that does not comply with Rule 20.4.5 RD1

## CHAPTER 22 RURAL ZONE

#### Rule 22.2.5.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from <u>an works</u> <sup>79</sup> arborist that states that the tree is dead, dying, diseased or unsafe in accordance with Appendix I I Tree Removal Certificate.
RD1	<p>(a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 22.2.5.1 PI.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out;</p> <p>(ii) Effects on amenity values; and</p> <p>(iii) Effects on heritage values.</p>

<sup>77</sup> [FS1323.72], [FS1323.73], [FS1323.74], [FS1323.75] and [FS1323.77]

<sup>78</sup> [559.248], [697.667] and [FS1323.79]

<sup>79</sup> Consequential change to ensure consistency across the zones

**Rule 22.2.5.2 Notable tree - trimming<sup>80</sup>**

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>is either:</del> <del>(i) To to remove dead, dying, or diseased branches; or more than 10% of live foliage with a and the tree work is undertaken by a works arborist; or</del> <del>(ii) The maximum branch diameter does not exceeding 50mm at the point of severance and no more than 10% of live foliage growth is removed in any single 12 month period must comply with the following conditions:</del> <del>(i) All trimming must retain the natural shape, form and growth habit of the tree species.</del> <del>(ii) All tree works are undertaken by a competent arborist.</del>
RD1	(a) The trimming of a notable tree that does not comply with Rule 22.2.5.2 P1. (b) Council's discretion is restricted to the following matters: (i) timing and manner in which the activity is carried out <del>and by whom; and</del> <del>(ii) health of the tree;</del> <sup>81</sup> <del>(iii) (ii) effects on amenity values; and</del> <del>(iii) Effects on heritage values; and</del> <del>(iv) Effects on the natural shape, form and growth habit of the tree species.</del>

**Rule 22.2.5.3 Notable tree activities within the dripline<sup>82</sup>**

P1	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not: (i) Involve excavation, compaction, sealing or soil disturbance <del>and or</del> placement of fill material <del>or cleanfill</del> , except for sealing of an existing road or footpath; and (ii) Involve parking or storage of materials, vehicles or machinery; and (iii) Discharge an eco-toxic substance; and (iv) Involve construction of structures.
RD1	(a) Any activity <u>within the dripline of a notable tree</u> that does not comply with Rule 22.2.5.3 P1 (b) Council's discretion is restricted to the following matters: (i) location of activity in relation to the tree; (ii) timing and manner in which the activity is carried out; (iii) remedial measures; (iv) effect on the health <u>and vitality</u> of the tree; <u>and</u> (v) amenity values.

**Buildings, structures and vegetation in a battlefield view shaft****Rule 22.3.4.4 Height - Buildings, structures and vegetation in a battlefield view shaft**

P1	The maximum height of a building, structure or vegetation within a battlefield view shaft as shown on the planning map must not exceed 5m.
D1	Any building, structure or vegetation that does not comply with Rule 22.3.4.4 P1.

<sup>80</sup> [697.473]<sup>81</sup> [697.779]<sup>82</sup> [697.781], [697.782]

**Rule 22.3.8 Historic Heritage items**

~~(a)(1)~~<sup>83</sup> The following rules manage Historic Heritage Item heritage items (buildings and monuments):

- ~~(i)~~ (a) 22.3.8.1 ~~Group A~~ Ranked<sup>84</sup> Historic Heritage Item - Demolition, removal or relocation;
- ~~(ii)~~ (b) 22.3.8.2 ~~Group B~~ Ranked<sup>85</sup> Historic Heritage Item - Demolition, removal or relocation;
- ~~(iii)~~ ~~22.3.8.3 All heritage items – Alterations or additions~~
- ~~(iv)~~ (c) 22.3.8.34 All Historic Heritage Items - Maintenance or repair
- (d) 22.3.8.4 All Historic Heritage Items - Alterations or additions
- ~~(v)~~ (e) 22.3.8.5 All Historic Heritage Items - All site development.

**Rule 22.3.8.1 ~~Group A~~ Ranked<sup>86</sup> Historic Heritage Item - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <del>Group A</del> <u>Ranked</u> <sup>87</sup> <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**Rule 22.3.8.2 ~~Group B~~ Ranked<sup>88</sup> Historic Heritage Item- Demolition, removal or relocation**

D1	Demolition, removal or relocation of any <del>Group B</del> <u>Ranked</u> <sup>89</sup> <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**Rule 22.3.8.3 ~~All heritage items – alteration or addition~~**

P1	<del>(a) – Alteration or addition to a heritage item listed in Schedule 30.1 (Heritage Items) where: (i) – No significant feature of interest is removed, destroyed or damaged; (ii) – Alterations or additions are not visible from a public place.</del>
RD1	<del>(a) – Any activity that does not comply with Rule 22.3.8.3 P1. (b) – Council’s discretion is restricted to the following matters: (i) – Form, style, materials and appearance; (ii) – Effects on heritage values.</del>

**Rule 22.3.8.34 All Historic Heritage Items - Maintenance or repair**

PI <sup>90</sup>	(a) Maintenance or repair of a <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items) <u>where must comply with the following condition:</u> <del>(i) no significant feature of interest is destroyed or damaged;</del> <del>(ii) (i) Replacement materials are the same as, or similar to, the original in terms of colour, texture, form and design to the original that it replaces form, style and appearance.</del>
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<sup>83</sup> Number changes to ensure consistency with the other zones.

<sup>84</sup> [697.307]

<sup>85</sup> [697.307]

<sup>86</sup> [697.307]

<sup>87</sup> [697.307]

<sup>88</sup> [697.307]

<sup>89</sup> [697.307]

<sup>90</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120],[697.288], [697.417], [697.815], [697.911] and [697.995]

RD <sup>191</sup>	<p><del>(a) Any activity that does not comply with Rule 16.3.11.4 PI.</del></p> <p><del>(b) Council's discretion shall be restricted to the following matters:</del></p> <p><del>(i) form, style, materials, appearance;</del></p> <p><del>(ii) effects on heritage values.</del></p>
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#### Rule 22.3.8.3 All Historic Heritage Items - Alteration or addition<sup>92</sup>

P1	<p><del>(a) Alteration or addition to a heritage item listed in Schedule 30.1 (Heritage Items) where:</del></p> <p><del>(i) No significant feature of interest is removed, destroyed or damaged;</del></p> <p><del>(ii) Alterations or additions are not visible from a public place.</del></p>
RD1	<p>(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Location, form, scale, style, materials and appearance;</u></p> <p>(ii) <u>Effects on Heritage Values; and</u></p> <p>(iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u></p>

#### Rule 22.3.8.5 All Historic Heritage Items - All site development

PI <sup>93</sup>	<p>(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic Heritage Items</u>) must <u>comply with the following condition:</u><sup>94</sup></p> <p>(i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u></p> <p><del>(i) Be set back at least 10m from the heritage item;</del></p> <p><del>(ii) Not locate a building between the front of the heritage item and the road.</del></p>
RD <sup>195</sup>	<p>(a) <del>Any activity</del> <u>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items) that does not comply with one or more conditions of Rule 22.3.8.5 PI.</u></p> <p>(b) Council's discretion <del>is shall be</del><sup>96</sup> restricted to the following matters:</p> <p>(i) effects on the <u>Heritage Values</u> <del>values</del>, context and <u>Extent of Setting</u> <del>setting</del> of the <u>Historic Heritage Item</u>;</p> <p>(ii) location, design, size, materials and finish;</p> <p>(iii) landscaping;</p> <p>(iv) The relationship of the <u>Historic Heritage Item</u> with <del>its the</del> <u>Extent of Setting</u> <del>setting</del>.</p>

#### Rule 22.4.8 Subdivision of land containing Historic Heritage Items<sup>97</sup>

RD1	<p>(a) Subdivision of land containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic Heritage Items</u>).</p>
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<sup>91</sup> [559.125]

<sup>92</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>93</sup> [559.129]

<sup>94</sup> [697.817]

<sup>95</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>96</sup> [697.818]

<sup>97</sup> [559.252]

	(b) Council's discretion is restricted to the following matters: (i) Effects on <a href="#">Heritage Values heritage values</a> ; (ii) Context and setting of the <a href="#">Historic Heritage Item heritage item</a> ; (iii) The extent to which the relationship of the <a href="#">Historic Heritage Item heritage item</a> with its <a href="#">Extent of Setting setting</a> is maintained <a href="#">within one lot</a> .
NC1	Subdivision that does not comply with Rule 22.4.8 RD1

## CHAPTER 23 COUNTRY LIVING ZONE

### Rule 23.2.5.1 Notable tree – removal or destruction

PI	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from <a href="#">an works<sup>98</sup></a> arborist that states <a href="#">that</a> the tree is dead, dying, diseased or unsafe in accordance with Appendix 11 ( <a href="#">Tree Removal Certificate</a> ). <sup>99</sup>
RD1	(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 23.2.5.1 PI. (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

### Rule 23.2.5.2 Notable tree - trimming<sup>100</sup>

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>is either:</del> <a href="#">(i) to remove dead, dying, or diseased branches; or more than 10% of live foliage with a and the tree work is undertaken by a works arborist; or</a> <del>(ii) the maximum branch diameter does not exceed</del> <a href="#">ing 50mm at the point of severance and no more than 10% of live foliage growth is removed</a> in any single consecutive 12 month period <a href="#">must comply with the following conditions:</a> (i) <a href="#">All trimming must retain the natural shape, form and growth habit of the tree species.</a> (ii) <a href="#">All tree works are undertaken by a competent arborist.</a>
RD1	(a) The trimming of a notable tree that does not comply with Rule 23.2.5.2 P1. (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; <a href="#">and</a> <sup>101</sup> (ii) Effects on amenity values; <a href="#">and</a> (iii) <a href="#">Effects on heritage values; and</a> (iv) <a href="#">Effects on the natural shape, form and growth habit of the tree species.</a>

<sup>98</sup> Consequential change to ensure consistency across the zones

<sup>99</sup> [697.187] and consequential changes for consistency

<sup>100</sup> [697.474]

<sup>101</sup> [697.875]

**Rule 23.2.5.3 Notable tree activities within the dripline<sup>102</sup>**

P1	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not <u>involve</u> : (i) <u>involve</u> excavation, compaction, sealing or soil disturbance <del>and</del> <u>or</u> placement of fill material <u>or cleanfill</u> , except for sealing of an existing road or footpath; (ii) <u>involve</u> parking or storage of materials, vehicles or machinery; (iii) discharge <del>of</del> an eco-toxic substance; and <sup>103</sup> (iv) <u>involve</u> construction of any structure.
RD1	(a) Any activity <u>within the dripline of a notable tree</u> that does not comply with Rule 23.2.5.3 P1. (b) Council's discretion is restricted to the following matters: (i) location of activity in relation to the notable tree; (ii) timing and manner in which the activity is carried out; (iii) remedial measures; (iv) effect on the health <u>and vitality</u> of the notable tree; <u>and</u> (v) amenity values.

**Rule 23.3.9 Historic Heritage items<sup>104</sup>**

(1) The following rules manage Historic Heritage Item heritage items (buildings and monuments):

- (a) 23.3.9.1 Group A Ranked<sup>105</sup> Historic Heritage item - Demolition, removal or relocation;
- (b) 23.3.9.2 Group B Ranked<sup>106</sup> Historic Heritage Item - Demolition, removal or relocation;
- ~~(c) 23.3.9.3 All heritage items - Alterations or additions~~
- ~~(d) (c) 23.3.9.34 All Historic~~ Heritage Items - Maintenance or repair
- ~~(d) 23.3.9.4 All Historic Heritage Items - Alterations or additions~~
- (e) 23.3.9.5 All Historic Heritage Items - All site development.

**Rule 23.3.9.1 Group A Ranked<sup>107</sup> Historic Heritage Item - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <u>Group A Ranked</u> <sup>108</sup> <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**Rule 23.3.9.2 Group B Ranked<sup>109</sup> Historic Heritage Item- Demolition, removal or relocation**

D1	Demolition, removal or relocation of any <u>Group B Ranked</u> <sup>110</sup> <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items).
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<sup>102</sup> [697.876], [697.877]

<sup>103</sup> [946.7]

<sup>104</sup> [697.908]

<sup>105</sup> [697.307]

<sup>106</sup> [697.307]

<sup>107</sup> [697.307]

<sup>108</sup> [697.307]

<sup>109</sup> [697.307]

<sup>110</sup> [697.307]

**Rule 23.3.9.3 All heritage items—alteration or addition**

P1	(a) <del>Alteration of, or addition to a heritage item listed in Schedule 30.1 (Heritage Items) comply with the following conditions:</del> (i) <del>No significant feature of interest is removed, destroyed or damaged;</del> (ii) <del>Alterations or additions are not visible from a public place.</del>
RD1	(a) <del>Any activity that does not comply with Rule 23.3.9.3 P1.</del> (b) <del>Council's discretion is restricted to the following matters:</del> (i) <del>Form, style, materials and appearance;</del> (ii) <del>Effects on heritage values.</del>

**Rule 23.3.9.34 All Historic Heritage Items - Maintenance or repair**

PI <sup>111</sup>	(a) Maintenance or repair of a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 ( <u>Historic Heritage Items</u> ) <u>must</u> comply with the following conditions: (i) <del>no significant feature of interest is destroyed or damaged;</del> (ii) (i) Replacement materials are the same as, or similar to, the original in terms of <u>colour, texture, form and design to the original that it replaces form, style and appearance.</u>
RD <sup>112</sup>	(a) <del>Any activity that does not comply with Rule 16.3.11.4 P1.</del> (b) <del>Council's discretion shall be restricted to the following matters:</del> (i) <del>form, style, materials, appearance;</del> (ii) <del>effects on heritage values.</del>

**Rule 23.3.9.4 All Historic Heritage Items - Alteration or addition<sup>113</sup>**

P1	(a) <del>Alteration of, or addition to a heritage item listed in Schedule 30.1 (Heritage Items) comply with the following conditions:</del> (i) <del>No significant feature of interest is removed, destroyed or damaged;</del> (ii) <del>Alterations or additions are not visible from a public place.</del>
RD1	(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u> (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>Location, form, scale, style, materials and appearance;</u> (ii) <u>Effects on Heritage Values; and</u> (iii) <u>Effects on the Extent of Setting of the Historic Heritage Item.</u>

<sup>111</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120], [697.288], [697.417], [697.815], [697.911] and [697.995]

<sup>112</sup> [559.126]

<sup>113</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

**Rule 23.3.9.5 All Historic Heritage Items - All site development<sup>114</sup>**

PI <sup>115</sup>	<p>(a) Development on a site containing a <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 (<u>Historic</u> Heritage Items) must comply with <del>all of</del> the following conditions:</p> <p>(i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u></p> <p><del>(i) Be set back at least 10m from the heritage item;</del></p> <p><del>(ii) Not a building between the front of the heritage item and the road.</del></p>
RD1	<p>(a) <del>Any activity</del> <u>Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items)</u> that does not comply with <del>one or more conditions of</del> Rule 23.3.9.5 PI.</p> <p>(b) Council's discretion <del>is</del> <u>shall be</u> <sup>116</sup> restricted to the following matters:</p> <p>(i) effects on the <u>Heritage Values values</u>, context and <u>Extent of Setting setting</u> of the <u>Historic Heritage Item heritage item</u>;</p> <p>(ii) location, design, size, materials and finish;</p> <p>(iii) landscaping;</p> <p>(iv) The relationship of the <u>Historic Heritage Item heritage item</u> with <del>its the</del> <u>Extent of Setting setting</u>.</p>

**Rule 23.4.6 Subdivision of land containing historic heritage items<sup>117</sup>**

RD1	<p>(a) Subdivision of land containing a <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 (<u>Historic</u> Heritage Items) must contain the <u>Historic Heritage Item heritage item</u> wholly within one lot.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Effects on <u>Heritage Values heritage values</u>;</p> <p>(ii) Context and setting of the <u>Historic Heritage Item heritage item</u>;</p> <p>(iii) The extent to which the relationship of the <u>Historic Heritage Item heritage item</u> with its <u>Extent of Setting setting</u> is maintained <u>within one lot</u> .</p>
NC1	Subdivision that does not comply with Rule 23.4.6 RD1

<sup>114</sup> [697.915]<sup>115</sup> [559.130]<sup>116</sup> [697.914]<sup>117</sup> [559.249]

**CHAPTER 24 VILLAGE ZONE****Rule 24.2.6.1 Notable tree – removal or destruction**

P1	Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council from <u>an works<sup>118</sup> arborist</u> that states the tree is dead, dying, diseased or is unsafe. <u>in accordance with Appendix II Tree Removal Certificate<sup>119</sup></u>
<u>C1-RD1<sup>120</sup></u>	(a) Removal or destruction of a tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 24.2.6.1 P1. (b) Council's <u>discretion is shall reserve its control over restricted to</u> the following matters: (i) Timing and manner in which the activity is carried out; (ii) Effects on amenity values; and (iii) Effects on heritage values.

**Rule 24.2.6.2 Notable tree – trimming<sup>121</sup>**

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <u>is either:</u> <del>(i) To remove dead, dying, or diseased branches; or no more than 10% of live foliage with a and the tree work is undertaken by a works arborist; or</del> <del>(ii) The maximum branch diameter does not exceeding 50mm at severance and no more than 10% of live foliage growth is removed</del> in any consecutive 12 month period <u>must comply with the following conditions:</u> (i) <u>All trimming must retain the natural shape, form and growth habit of the tree species.</u> (ii) <u>All tree works are undertaken by a competent arborist.</u>
RD1	(a) The trimming of a notable tree that does not comply with Rule 24.2.6.2 P1. (b) Council's discretion is restricted to the following matters: (i) Timing and manner in which the activity is carried out; <u>and</u> <sup>122</sup> (ii) Effects on amenity values; <u>and</u> (iii) <u>Effects on heritage values; and</u> (iv) <u>Effects on the natural shape, form and growth habit of the tree species.</u>

**Rule 24.2.6.3 Notable tree – activities within the dripline<sup>123</sup>**

P1	(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not: (i) Involve excavation, compaction, sealing or soil disturbance <del>and</del> <u>or</u> placement of fill material <u>or cleanfill</u> , except for sealing of an existing road or footpath; (ii) Involve parking or storage of materials, vehicles or machinery;
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<sup>118</sup> Consequential change to ensure consistency across the zones<sup>119</sup> [697.187] consequential change<sup>120</sup> [697.963]<sup>121</sup> [697.475]<sup>122</sup> [697.964]<sup>123</sup> [697.965]

	(iii) Discharge <del>of</del> an eco-toxic substance; and <sup>124</sup> (iv) Involve construction of structures.
RD1	(a) Any activity <u>within the dripline of a notable tree</u> that does not comply with Rule 24.2.6.3 P1. (b) Council's discretion is restricted to the following matters: (i) Location of activity in relation to the tree; (ii) Timing and manner in which the activity is carried out; (iii) Remedial measures; (iv) <u>Protection-Effects on the health and vitality</u> <sup>125</sup> of the tree; and (v) Amenity values.

**Rule 24.3.8 Historic Heritage Items** <sup>126</sup>

- (1) The following rules manage Historic Heritage Item heritage items (buildings and monuments):
- (a) 24.3.8.1 - ~~Group A~~ Ranked <sup>127</sup> Historic Heritage Item - Demolition, removal or relocation
  - (b) 24.3.8.2 - ~~Group B~~ Ranked <sup>128</sup> Historic Heritage Item - Demolition, removal or relocation
  - ~~(c) 24.3.8.3 All heritage items—Alterations or additions~~
  - ~~(d) (c) 24.3.8.34 All Historic Heritage Items - Maintenance or repair~~
  - (d) 24.3.8.4 All Historic Heritage Items - Alterations or additions
  - (e) 24.3.8.5 - All Historic Heritage Items - Site development

**Rule 24.3.8.1 ~~Group A~~ Ranked** <sup>129</sup> Historic Heritage Item - Demolition, removal or relocation

NC1	Demolition, removal or relocation of any <del>Group A</del> <u>Ranked</u> <sup>130</sup> <u>Historic Heritage Item heritage item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**Rule 24.3.8.2 ~~Group B~~ Ranked** <sup>131</sup> Historic Heritage item- Demolition, removal or relocation

D1	Demolition, removal or relocation of any <del>Group B</del> <u>Ranked</u> <sup>132</sup> <u>heritage item Historic Heritage Item</u> listed in Schedule 30.1 ( <u>Historic</u> Heritage Items)
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**~~Rule 24.3.8.3 All heritage items—Alteration or addition~~**

<del>P1</del>	<del>(a) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) if: (i) No significant feature of interest is removed, destroyed or damaged; (ii) Alterations or additions are not visible from a public place.</del>
<del>RD1</del>	<del>(a) Any activity that does not comply with Rule 24.3.8.3 P1.</del>

<sup>124</sup> [946.7]<sup>125</sup> Consequential change for consistency of zone rules<sup>126</sup> [697.993]<sup>127</sup> [697.307]<sup>128</sup> [697.307]<sup>129</sup> [697.307]<sup>130</sup> [697.307]<sup>131</sup> [697.307]<sup>132</sup> [697.307]

	<p><del>(b) Council's discretion is restricted to the following matters:</del></p> <p><del>(i) Form, style, materials and appearance;</del></p> <p><del>(ii) Effects on heritage values.</del></p>
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#### Rule 24.3.8.34 All Historic Heritage Items - Maintenance or repair

PI <sup>133</sup>	<p>(a) Maintenance and repair of a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic Heritage Items</u>) <del>where</del> <u>must comply with the following condition:</u></p> <p><del>(i) no significant feature of interest is destroyed or damaged;</del></p> <p><del>(ii) (i) Replacement materials are the same as, or similar to, the original in terms of <u>colour, texture, form and design to the original that it replaces</u> <del>form, style and appearance.</del></del></p>
RD <sup>134</sup>	<p><del>(a) Any activity that does not comply with Rule 16.3.11.4 PI.</del></p> <p><del>(b) Council's discretion shall be restricted to the following matters:</del></p> <p><del>(i) form, style, materials, appearance;</del></p> <p><del>(ii) effects on heritage values.</del></p>

#### Rule 24.3.8.4 All Historic Heritage Items - Alteration or addition<sup>135</sup>

P1	<p><del>(a) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) if:</del></p> <p><del>(i) No significant feature of interest is removed, destroyed or damaged;</del></p> <p><del>(ii) Alterations or additions are not visible from a public place.</del></p>
RD1	<p>(a) <u>Any alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items).</u></p> <p>(b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Location, Form, scale, style, materials and appearance;</u></p> <p>(ii) <u>Effects on Heritage Values; and</u></p> <p>(iii) <u>Effects on the Extent of Setting on the Historic Heritage Item.</u></p>

#### Rule 24.3.8.5 All Historic Heritage Items - All site development

PI <sup>136</sup>	<p>(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic Heritage Items</u>) <u>must comply with the following condition:</u><sup>137</sup></p> <p>(i) <u>Development does not involve the placement or construction of a building or buildings within the Extent of Setting for the Historic Heritage Item.</u></p> <p><del>(i) Be set back at least 10m from the heritage item;</del></p> <p><del>(ii) Not locate a building between the front of the heritage item and the road.</del></p>
RD <sup>138</sup>	<p>(a) <u>Any activity Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items) that does not comply with one or more conditions of Rule 24.3.8.5 PI.</u></p> <p>(b) Council's discretion <del>is</del> <u>shall be</u> <sup>139</sup> restricted to the following matters:</p>

<sup>133</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120], [697.288], [697.417], [697.815], [697.911] and [697.995]

<sup>134</sup> [559.127]

<sup>135</sup> [559.104], [559.105], [559.293], [559.294], [559.295], [559.296], [559.297], [697.143], [697.217], [697.287], [697.414], [697.654], [697.814], [697.909], [697.994], [559.106], [559.107], [559.108], [559.109], [559.110], [559.111], [559.112], [697.144], [697.415], [697.653], [697.910].

<sup>136</sup> [559.131]

<sup>137</sup> [697.997]

<sup>138</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>139</sup> [697.818], [697.914]

	<ul style="list-style-type: none"> <li>(i) effects on the <a href="#">Heritage Values values</a>, context and <a href="#">Extent of Setting setting</a> of the <a href="#">Historic Heritage Item heritage item</a>;</li> <li>(ii) location, design, size, materials and finish;</li> <li>(iii) landscaping;</li> <li>(iv) The relationship of the <a href="#">Historic Heritage Item heritage item</a> with <a href="#">its Extent of Setting the setting</a>.</li> </ul>
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**Rule 24.4.8 Subdivision of land containing heritage items<sup>140</sup>**

RD1	<ul style="list-style-type: none"> <li>(a) Subdivision of land containing a <a href="#">Historic Heritage Item heritage item</a> listed in Schedule 30.1 (<a href="#">Historic Heritage Items</a>) must contain the <a href="#">Historic Heritage Item heritage item</a> wholly within one lot.</li> <li>(b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) Effects on <a href="#">Heritage Values heritage values</a>;</li> <li>(ii) Context and setting of the heritage item; and</li> <li>(iii) The extent to which the relationship of the <a href="#">heritage item Historic Heritage Item</a> with its <a href="#">Extent of Setting setting</a> is maintained <a href="#">within one lot</a>.</li> </ul> </li> </ul>
<del>D1</del> <a href="#">NC1</a>	Subdivision that does not comply with Rule 24.4.8 RD1

**CHAPTER 25 RESERVE ZONE****Rule 25.2.6.1 Notable tree – removal or destruction**

P1	Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) where certification is provided to Council by <a href="#">an works<sup>141</sup> arborist</a> that states the tree is dead, dying, diseased or is unsafe <a href="#">in accordance with Appendix II Tree Removal Certificate</a> . <sup>142</sup>
<del>D1</del> <a href="#">RD1</a> <sup>143</sup>	<ul style="list-style-type: none"> <li>(a) Removal or destruction of a notable tree identified in Schedule 30.2 (Notable Trees) that does not comply with Rule 25.2.6.1 P1</li> <li>b) Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> <li>(i) <a href="#">Timing and manner in which the activity is carried out</a>;</li> <li>(ii) <a href="#">Effects on amenity values</a>; and</li> <li>(iii) <a href="#">Effects on heritage values</a>.</li> </ul> </li> </ul>

**Rule 25.2.6.2 Notable tree - trimming<sup>144</sup>**

P1	(a) The trimming of a notable tree identified in Schedule 30.2 (Notable Trees) <del>must:</del> <a href="#">(i) Be to remove dead, dying, or diseased branches; or no more than 10% of live foliage with a and the tree work is undertaken by a works arborist; and</a>
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<sup>140</sup> [559.250] and [559.257]<sup>141</sup> Consequential change to ensure consistency across the zones<sup>142</sup> [697.187] consequential change<sup>143</sup> [697.1034]<sup>144</sup> [697.476]

	<p><del>(ii) Not remove branches with a maximum branch diameter not exceeding greater than 50mm at the point of severance and no more than 10% of live foliage growth is removed</del> in any consecutive 12 month period <u>must comply with the following conditions:</u></p> <p><u>(i) All trimming must retain the natural shape, form and growth habit of the tree species.</u></p> <p><u>(ii) All tree works are undertaken by a competent arborist.</u></p>
RD1	<p>(a) The trimming of a notable tree that does not comply with <del>a condition in</del> Rule 25.2.6.2 PI.<sup>145</sup></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Timing and manner in which the activity is carried out <del>and by whom; and</del><sup>146</sup></p> <p>(ii) Effects on amenity values; <u>and</u></p> <p><u>(iii) Effects on heritage values; and</u></p> <p><u>(iv) Effects on the natural shape, form and growth habit of the tree species.</u></p>

**Rule 25.2.6.3 Notable tree activities within the dripline<sup>147</sup>**

P1	<p>(a) Any activity within the dripline of a notable tree identified in Schedule 30.2 (Notable Trees) must not:</p> <p>(i) Involve excavation, compaction, sealing or soil disturbance <del>and or</del> placement of fill material <u>or cleanfill</u>, except for sealing of an existing road or footpath;</p> <p>(ii) Involve parking or storage of materials, vehicles or machinery;</p> <p>(iii) Discharge <del>of</del> an eco-toxic substance <u>and</u>;<sup>148</sup></p> <p>(iv) Involve construction of structures.</p>
RD1	<p>(a) Any activity <u>within the dripline of a notable tree</u> that does not comply with one or more conditions in Rule 25.2.6.3 PI</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Location of activity in relation to the tree;</p> <p>(ii) Timing and manner in which the activity is carried out;</p> <p>(iii) Remedial measures;</p> <p>(iv) Effects on health <u>and vitality</u> of the tree; <u>and</u></p> <p>(v) Amenity values</p>

<sup>145</sup> [697.1035]<sup>146</sup> [697.1035]<sup>147</sup> [697.1036]<sup>148</sup> [946.7]

**Rule 25.3.6 Historic Heritage Items<sup>149</sup>**

(1) The following rules manage [Historic Heritage Item heritage items \(buildings and monuments\) within the Reserve Zone](#):

- (a) 25.3.6.1 ~~Group A~~ [Ranked<sup>150</sup> Historic](#) Heritage Item - Demolition, removal or relocation;
- (b) 25.3.6.2 ~~Group B~~ [Ranked<sup>151</sup> Historic](#) Heritage Item - Demolition, removal or relocation;
- ~~(c) 25.3.6.3 All heritage items—Alterations or additions~~
- ~~(d) (c) 25.3.6.34 All Historic~~ Heritage Items - Maintenance or repair
- ~~(d) 25.3.6.4 All Historic Heritage Items - Alterations or additions~~
- (e) 25.3.6.5 All [Historic](#) Heritage Items - All site development.

**Rule 25.3.6.1 ~~Group A~~ [Ranked<sup>152</sup> Historic](#) Heritage Item - Demolition, removal or relocation**

NC1	Demolition, removal or relocation of any <del>Group A</del> <a href="#">Ranked<sup>153</sup> Historic Heritage Item heritage item</a> listed in Schedule 30.1 ( <a href="#">Historic</a> Heritage Items)
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**Rule 25.3.6.2 ~~Group B~~ [Ranked<sup>154</sup> Historic](#) Heritage Item - Demolition, removal or relocation**

D1	Demolition, removal or relocation of any <del>Group B</del> <a href="#">Ranked<sup>155</sup> Historic Heritage Item heritage item</a> listed in Schedule 30.1 ( <a href="#">Historic</a> Heritage Items)
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**~~Rule 25.3.6.3 All heritage items—alteration or addition~~**

P1	<del>(a) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) where: (i) No significant feature of interest is removed, destroyed or damaged; (ii) Alterations or additions are not visible from a public place.</del>
RD1	<del>(a) Any activity that does not comply with Rule 25.3.6.3 P1. (b) Council's discretion is restricted to the following matters: (i) Form, style, materials and appearance; (ii) Effects on heritage values.</del>

**Rule 25.3.6.34 All [Historic](#) Heritage Items - Maintenance and or repair<sup>156</sup>**

PI <sup>157</sup>	(a) Maintenance <del>and or</del> repair of a <a href="#">Historic Heritage Item heritage item</a> listed in Schedule 30.1 ( <a href="#">Historic</a> Heritage Items) <del>where must comply with the following condition:</del> <del>(i) no significant feature of interest is destroyed or damaged;</del>
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<sup>149</sup> [697.413]

<sup>150</sup> [697.307]

<sup>151</sup> [697.307]

<sup>152</sup> [697.307]

<sup>153</sup> [697.307]

<sup>154</sup> [697.307]

<sup>155</sup> [697.307]

<sup>156</sup> [697.416]

<sup>157</sup> [559.114], [559.115], [559.116], [559.117], [559.118], [559.119], [559.120],[697.288], [697.417], [697.815], [697.911] and [697.995]

	<del>(ii) (i)</del> Replacement materials are the same as, or similar to, the original in terms of <u>colour, texture, form and design to the original that it replaces</u> <del>form, style and appearance</del> .
RD1 <sup>158</sup>	<del>(a) Any activity that does not comply with Rule 16.3.11.4 P1. (b) Council's discretion shall be restricted to the following matters: (i) form, style, materials, appearance; (ii) effects on heritage values.</del>

#### Rule 25.3.6.4 All Historic Heritage Items - Alteration or addition<sup>159</sup>

P1	<del>(b) Alteration or addition of a heritage item listed in Schedule 30.1 (Heritage Items) where: (iii) No significant feature of interest is removed, destroyed or damaged; (iv) Alterations or additions are not visible from a public place.</del>
RD1	<del>(c) Any activity that does not comply with Rule 25.3.6.3 P1 alteration or addition to a Historic Heritage Item in Schedule 30.1 (Historic Heritage Items). (d) Council's discretion is restricted to the following matters: (iii) Location, form, scale, style, materials and appearance; (iv) Effects on Heritage Values; and (v) Effects on the Extent of Setting of the Historic Heritage Item.</del>

#### Rule 25.3.6.5 All Historic Heritage Items – All site development

PI <sup>160</sup>	<del>(a) Development on a site containing a <u>Historic Heritage Item</u> <del>heritage item</del> listed in Schedule 30.1 (<u>Historic Heritage Items</u>) must <u>comply with the following condition</u>:<sup>161</sup> (i) <u>Development does not involve the placement or construction of a building or buildings within the setting for the Historic Heritage Item.</u> (i) <del>Be set back at least 10m from the heritage item;</del> (ii) <del>Not locate a building between the front of the heritage item and the road.</del></del>
RD1 <sup>162</sup>	<del>(a) <u>Any activity Development on a site containing a Historic Heritage Item listed in Schedule 30.1 (Historic Heritage Items)</u> that does not comply with <del>one or more conditions of</del> Rule 25.3.6.5 PI. (b) Council's discretion <del>is</del> <u>shall be</u> <sup>163</sup> restricted to the following matters: (i) effects on the <u>Heritage Values</u> <del>values</del>, context and <u>Extent of Setting</u> <del>setting</del> of the <u>Historic Heritage Item</u> <del>heritage item</del>; (ii) location, design, size, materials and finish; (iii) landscaping; (iv) The relationship of the <u>Historic Heritage Item</u> <del>heritage item</del> with <u>its Extent of Setting</u> <del>the setting</del>.</del>

<sup>158</sup> Consequential change as a result of [559.121], [559.122], [559.123], [559.124], [559.125], [559.126] and [559.127]

<sup>159</sup> Note consequential change to ensure consistency between rules

<sup>160</sup> Consequential change

<sup>161</sup> [697.419]

<sup>162</sup> [559.133], [559.134], [559.135], [559.136], [559.140], [559.141] and [559.142]

<sup>163</sup> [697.818], [697.914]