

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Historic Heritage - Bryony Steven on behalf of Waimakariri
District Council**

Date: 27 October 2023

INTRODUCTION:

- 1 My full name is Bryony Annette Steven. I am employed as a Graduate Planner for Waimakariri District Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Historic Heritage.
- 3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 5.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Historic Heritage.
- 5 I am authorised to provide this evidence on behalf of the District Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 **Appendix C** of my section 42A report sets out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 5 held on 21, 22 and 23 August 2023. Minute 9 requires this reply report to be provided by Friday 27 October 2023.
- 9 The main topics addressed in this reply include:
- Answers to questions posed by the Panel;
 - Matters that arose during the hearing and any matters remaining in contention; and
 - Changes to recommendations in s42A report.
- 10 **Appendix 1** has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Council website.

- 11 **Appendix 2** has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
- 12 **Appendix 3** has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.
- 13 **Appendix 4** has a section 32AA evaluation of the recommended amendment to HH-O1.
- 14 **Appendix 5** contains the legal advice from Buddle Findlay that responds to the legal submission on behalf of Oxford Equity Limited.

Answers to questions posed by the Panel

Question 1 - Please respond to Ms Baird’s evidence and Mr De Hamel’s submission, with any recommended amendments as a result. Please obtain Dr McEwan’s input in doing so.

15 Ms Baird on behalf of Heritage New Zealand Pouhere Taonga (HNZPT) continues to seek several points that were raised in the original submission by HNZPT [178]. Ms Baird identified the key issues as follows:

1. Propose definition of ‘Earthworks within an archaeological site’ (submission points 178.2 and 178.24);
2. Seeks that the definition of ‘Archaeological site’ is available in full (submission point 178.10);
3. Seeks a Strategic Direction Objective for the District’s historic heritage (submission point 178.6);
4. Seek an adaptive re-use policy (submission point 178.18); and
5. Advocates for six properties (identified in the table below) on the HNZPT list to be scheduled in the Proposed Plan.

Name/Address of Historic Place	HNZPT List Number	HNZPT Category	PDP submission number
Tisbury Cottage, 1842 Cust Road, Cust	5271	Cat 2	178.34
152 King Street, Rangiora	3778	Cat 2	178.36

16 Seddon Street, Rangiora	3781	Cat 2	178.37
Mairangi Homestead, Parsonage Rd, Woodend	3076	Cat 2	178.39
Coldstream Orchard House, 200 Coldstream Rd, Coldstream, Rangiora	3792	Cat 2	178.41
Pine Hill House, 211 Summerhill Road, Cust	5272	Cat 2	178.43

- 16 To respond to the issues raised by HNZPT, I discussed these matters with Dr Ann McEwan via Teams video calls on 18 October 2023 and 20 October 2023. I have detailed Dr McEwan’s response below where applicable.

Definition of ‘Earthworks within an archaeological site’(submission points 178.2, 178.24 and 178.25)

- 17 In the S42A report for Historic Heritage, I recommended the proposed definition of ‘Earthworks within an archaeological site’ be rejected. To respond to this matter in this reply report, I have spoken with Dr McEwan, and she provided her view that the definition was potentially excessive and could lead to compliance issues.
- 18 I have considered Ms Baird’s evidence on this matter and whilst I retain my view that the proposed definition [submission 178.2] is unnecessary and it will be minimally used in the Plan, I now consider that some additional wording in HH-AN2 [178.24] and HH-AN4 [178.25] could be useful to advise readers of the plan of the relationship between earthworks and archaeological sites under the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA). These recommended amendments would provide greater clarity to plan users and support the implementation of the HNZPTA.

19 I recommend HH-AN2 is amended as follows:

“If any activity associated with a project, including earthworks, modifications to any pre-1900 structure, or demolition of any pre-1900 building, may modify, damage or destroy an archaeological site(s), an archaeological authority from HNZPT must be obtained for the work to proceed lawfully. [In relation to archaeological sites, earthworks include gardening, cultivation, and the disturbance of land for the installation of fence posts.](#)”

20 I recommend HH-AN4 is amended as follows:

“If an archaeological site is discovered, ~~for example when conducting earthworks,~~ work that could affect the [archaeological](#)¹ site ~~should~~² ~~must~~ be stopped and contact made with HNZPT for advice. [Works that could affect archaeological sites include but are not limited to earthworks, gardening, cultivation, and the disturbance of land for the installation of fence posts.](#)

21 In considering this wording I note that not all works on an archaeological site may modify, damage or destroy that site. For this reason, I consider that it is important that the primary purpose of the advice note is to alert plan users of the potential for impacts to occur even for smaller scale activities, rather than as a mechanism to control activities through the advice note link with the HNZPTA.

22 As a consequence of this change, I also consider that EW-AN1 in the Earthworks chapter should be similarly amended for consistency. I understand that Mr Wilson will recommend this amendment in the Earthworks right of reply report.

Definition of Archaeological site (submission point 178.10)

23 Ms Baird continues to seek that the definition of ‘Archaeological site’ is available in full in the chapter. The Proposed Plan definition of

¹ Recommended amendment in the S42A report: Heritage New Zealand [178.11].

² Recommended amendment in the S42A report: Heritage New Zealand [178.25].

'Archaeological sites' states: *"has the same meaning as in section 6 of the HNZPTA."* The definition in the HNZPTA is complex and I consider there may be no perceivable enhancement in plan readability by including the definition in full, as it is already set out in the HNZPTA Act. The definition within that Act is:

archaeological site means, subject to section 42(3),—

(a) 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; and

(b) includes a site for which a declaration is made under section 43(1)

24 Additionally, if the definition was provided in full within the District Plan and the HNZPTA definition were to change, the definition in the District Plan may become inconsistent with the HNZPTA. It is my view that the definition as notified should be retained with a minor amendment to provide a hyperlink from 'HNZPTA' to the Heritage New Zealand Pouhere Taonga Act 2014 on the New Zealand Legislation webpage to assist users of the plan to navigate to the HNZPTA.

Historic Heritage Strategic Direction Objective (submission point 178.6)

25 Ms Baird seeks a Strategic Direction (SD) Objective *"to provide high level direction regarding the identification and recognition of places, landscapes, and features which are significant to Waimakariri's*

character and cultural heritage, to ensure their protection for future generations.³

- 26 I have considered the issue of an SD objective for historic heritage in response to question 2 from the Panel and I address this question later in this right of reply report.

Adaptive reuse policy (submission point 178.18)

- 27 Ms Baird continues to seek an adaptive reuse policy as she considers reference to reuse in HH-P5 is insufficient. I have discussed this matter further with Dr McEwan who advised that in her view, adaptive re-use should remain as the secondary, less preferred option to the continuation of an item's current use. She advised that the adaptive re-use of an item has the potential to adversely affect the item's heritage values where the re-use is not sympathetic to those values. Dr McEwan also highlighted that the ICOMOS New Zealand Charter 2010 conservation principles describe 'use'⁴ in the following way:

"The conservation of a place of cultural heritage value is usually facilitated by the place serving a useful purpose.

Where the use of a place is integral to its cultural heritage value, that use should be retained.

Where a change of use is proposed, the new use should be compatible with the cultural heritage value of the place, and should have little or no adverse effect on the cultural heritage value."

- 28 The purpose of the HH chapter is to protect historic heritage from inappropriate subdivision, use and development (RMA s6(f)). An incorrectly worded adaptive re-use policy could be interpreted as providing for re-use over the continuation of the item's current use. This

³ Statement of Evidence of Arlene Ruth Baird on Behalf of Heritage New Zealand Pouhere Taonga | 4 August 2023 para [9.1].

⁴ ICOMOS New Zealand Charter 2010 – for the Conservation of Places of Cultural Heritage Value, s8, Pg 3. https://icomos.org.nz/wp-content/uploads/2020/12/NZ_Charter.pdf

would be contrary to the requirement to protect historic heritage from inappropriate activities (s6(f) RMA).

29 I therefore retain my view and recommendation that HH-P5 currently sufficiently provides for the re-use of heritage items, and I do not consider that an additional adaptive re-use policy is necessary. However, I recognise Ms Baird’s evidence that should HH-P5 remain, reference should be made to ‘adaptive reuse’ or ‘adaptation’ which are consistent with the ICOMOS New Zealand Charter. Additionally, Ms Baird considers an amendment to the rule title to read ‘Use and development’ would be a more accurate reflection of the policy. I accept Ms Baird’s evidence on these matters, and I recommend the following amendments to H-P5:

“HH-P5 Use and development ~~Adverse effects~~

1. provides for ongoing use and adaptive re-use that is sensitive to identified heritage values;
...”

30 The amendment to the title of the policy is intended to replace my recommendation in the S42A report that was to change the title of the policy from ‘Adverse effects’ to ‘Manage effects on Historic Heritage’.

Schedule HNZPT listed properties

31 Ms Baird continues to seek that six properties on the HNZPT list are scheduled on HH-SCHED2. No new information was provided on these properties beyond what Dr McEwan had already reviewed, and I therefore retain my recommendation (based on the recommendations of Dr McEwan) to not schedule these properties. In her statement of evidence to inform the S42A report, Dr McEwan explained that the HNZPT List and the District Plan heritage schedule are not necessarily expected nor required to be the same⁵. Dr McEwan has confirmed that she has not changed her view and that these six properties should not be included on HH-SCHED2.

⁵ Statement of evidence of Dr Ann McEwan on behalf of Waimakariri District Council (Heritage Consultant) | 21 July 2023 [para 33].

Response to Mr De Hamel's evidence [261]

32 Mr de Hamel spoke to his submission at the hearing and emphasised two main points from his submission on the PDP:

1) that the rules and methods for the different categories of items that contribute towards the identity of the District (e.g. heritage buildings, sites and areas of significance to Māori, significant natural areas) be similarly worded, and

2) that the Plan allow and / or require Council to financially assist owners with the preservation of public good items (e.g. scheduled heritage items and notable trees).

33 With regards to 1), the different categories of items that contribute to the identity of the District are subject to different higher order directions. As a result, the Proposed Plan has used different provisions and methods for the maintenance, protection, and use of these different categories. In regard to point 2), there is nothing in the Proposed Plan that limits Council's ability to financially assist owners of scheduled heritage items, noting this is a decision of the Council itself and not necessarily the administrator of the plan (the consent officer). The Council already goes some way to achieving this through the Contestable Heritage Fund and through Council's discretionary ability to waive consent fee applications. I note that neither of these are a matter necessary to be prescribed by the District Plan. Additional financial assistance for owners of scheduled heritage properties (e.g. rates relief), are also not within the jurisdiction of the District Plan.

34 Furthermore, I discussed Mr de Hamel's submission with Dr McEwan, and she advised that most second generation plans are moving away from including methods that sit outside of the District Plan, as these methods cannot be controlled by the District Plan. I also note that Ms Baird of HNZPT provided a similar answer when asked for her opinion on this matter by Commissioner Rae during hearing stream 5.

Question 2 - If there was to be a SD for heritage, what would that look like, and is there scope to do so?

35 HNZPT in their submission on the PDP explicitly sought a SD objective for heritage matters [178.6] and I therefore consider there is scope to include an SD objective for historic heritage.

36 In my view, the purpose of an SD for historic heritage would be to recognise the contribution of historic heritage to the District's sense of identity and character. An SD for historic heritage would need to be worded to reflect the s6(f) direction established in the RMA to protect historic heritage from inappropriate subdivision, use, and development. Additionally, it should be worded to include landscapes and features of historical and cultural significance, areas of significance to Māori, and archaeological sites.

37 Whether or not an SD is included specific to historic heritage, I consider that the Plan, as notified, does appropriately cover s6(f) matters through the existing objectives (including the amendment to HH-O1). However, if the plan did amend the intended primary of other (or as yet unknown potential new) objectives and policies, historic heritage as a s6(f) matter may need to be elevated.

Question 3 - Please provide your final position in respect to painting and HH-R1.

38 In my response to the Panel's preliminary questions on para 261 of the S42A report, Dr McEwan agreed with my recommendation that painting should be exempt from HH-R1. However, Dr McEwan was concerned how the Council would have oversight of paint colour particularly where paint could be used as a sign, or where unpainted materials (e.g. stone or brick) could be painted.

39 Since the adjournment of hearing 5, Dr McEwan and I have spoken about this issue in relationship to HH-R1. The outcome of this discussion was that we determined that HH-R1(4) is overly burdensome as it would require all activities under the definition of 'Maintenance or repair' to be

“undertaken in accordance with the design and/or supervision of a heritage professional or architect suitably qualified in heritage maintenance or repair.” This would apply to painting as was identified as an issue in the Waimakariri District Council [367.22] submission, and also to any other basic maintenance works.

40 It was Dr McEwan’s view that the activities in (1) and (2) would not require oversight by a heritage professional and therefore only the activities in clause (3) should occur with professional oversight. As currently written, HH-R1(4) creates an excessive financial burden that could be a barrier to owners maintaining their heritage items.

41 I proposed this issue could be resolved by merging clauses (3) and (4) and Dr McEwan agreed with this approach. I therefore recommend HH-R1 is amended to read as follows:

HH-R1

Activity status: PER

Where:

1. any heritage fabric removed is limited to the amount necessary to carry out the maintenance or repair;
2. the area any heritage fabric has been removed from shall be made weather tight; ~~or~~⁶
3. the activity is undertaken to satisfy or better meet compliance with the Building Act 2004 and Building Code; ~~and 4. the activity is undertaken~~ in accordance with the design and/or supervision of a heritage professional or architect suitably qualified in heritage maintenance or repair.

42 Note, the above recommended change to HH-R1 is intended to replace the recommended amendment to HH-R1(3) in the S42A report.

43 By taking this approach, the exemption for painting as sought by Waimakariri District Council [367.22] is achieved and the rule is strengthened, supporting all forms of minor repairs not just painting. In my opinion the proposed amendments to the rule would strike an appropriate balance between efficiency of plan implementation with a rule framework that achieves the plans objectives.

⁶ Recommended amendment in the S42A report: Heritage New Zealand [178.19]

44 Dr McEwan also raised concerns around the lack of control within the PDP over paint being used as a sign e.g. a large-scale paint scheme in corporate livery, and the potential for unpainted heritage materials to be painted e.g. painting a brick wall. Dr McEwan recommended that this issue could be resolved through amendment to the definition of 'Maintenance or repair' as follows:

"Maintenance or repair

means in relation to identified historic heritage, works that will restore or keep heritage fabric in a sound condition by using the same or similar materials and retaining the existing form, proportions, finishes [including painting](#), and characteristics. It includes Building Act 2004 and Building Code upgrades necessary as part of the works or where to satisfy or increase compliance with Building Act 2004 and Building Code requirements including structural seismic upgrades, fire protection and provision of access."

45 I consider this amendment can be achieved within the scope of the submission as the submission noted that *"any assessment of paint colour needs to consider the definition of maintenance and repair within the Proposed District Plan, requiring that painting retains the finishes and characteristics of the heritage building⁷."* The submission takes for granted that 'finishes' would include paint colour and the recommended amendment would provide necessary certainty in the definition.

Question 4 - Having considered the legal submissions and evidence from Oxford Equity Ltd, do you think that there is scope for the amendments sought by Oxford Equity. Where there is any uncertainty, the Council may wish to seek legal advice in responding to this question. If there is scope, what is your recommendation in respect to this further submission?

46 To respond to the legal submission on behalf of Oxford Equity Limited (OEL), I sought legal advice from Buddle Findlay (BF) which is available as

⁷ Waimakariri District Council submission [367.22].

Appendix 5 to this right of reply report. The legal advice has considered the issue of scope in the OEL further submission, provided the background to the further submission, discussed the law on scope of further submissions, and concludes with a position on the scope of the OEL further submission. The legal advice also considers the legal submission on behalf of OEL. The advice concludes that the relief sought in the OEL further submission is not within scope. Additionally, the advice identifies an issue of fairness were the further submission to be determined to be within scope as there would be no opportunity for the public to comment on the relief sought by OEL.

- 47 I have reviewed both the BF and OEL legal opinions and I retain my view as stated in the S42A report, that the request to amend the extent of the heritage setting for the Redwoods property (HH050) is out of scope.

Response to other matters that arose during the hearing and matters remaining in contention

Amendment to HH-O1 – Concept Services [230.4]

- 48 The submission by Concept Services [230.4] sought an amendment to HH-O1 to introduce a qualifier by which the protection of heritage is measured. I rejected this submission as I considered the requested wording was contrary to the RMA s6(f) direction. However, in response to the preliminary questions on paras 136-140 of the S42A report, I suggested that an amendment to HH-O1 would be appropriate in order to improve alignment with the qualification in s6(f) of the RMA. I consider that as drafted, HH-O1 does not clearly identify the s6(f) RMA qualifier and that amendment to the objective to include “*from inappropriate subdivision, use, and development*” would enhance the clarity and efficiency of the objective.

- 49 I recommend HH-O1 is amended as follows:

“Historic heritage and its overall contribution to the identity of the District is recognised, maintained and protected and maintained from inappropriate subdivision, use, and development.”

50 I have completed a section 32AA evaluation and this is included as **Appendix 4** in this right of reply report. That evaluation concludes that the amendments to HH-O1 would more appropriately align with and achieve the purpose of the Act.

Amendment to HH-P7 – MainPower New Zealand Ltd [249.107]

51 In response to the questions on paras 205 and 207 of the S42A report, I indicated that I considered an amendment to Policy HH-P7, as sought by MainPower [249.107],⁸ could be appropriate. Having heard the evidence presented at the hearing, it is my view that an amendment to HH-P7 to provide for the maintenance, repair, and upgrade of existing infrastructure would be appropriate. However, I consider that it is important to ensure that heritage values remain protected when undertaking maintenance, repairs, and upgrades to existing infrastructure. I therefore recommend the following amendment to HH-P7 which I consider more appropriately protects heritage values than the policy originally proposed by MainPower:

HH-P7 Siting of infrastructure and maintenance, repair, or upgrades

Ensure the siting of new infrastructure and the maintenance, repair and upgrade of existing infrastructure protects the heritage values of historic heritage listed in HH-SCHED2, taking into account the functional need or operational need ~~for the siting of the infrastructure.~~

⁸ MainPower [249.107] proposed policy: “Ensure the siting of new infrastructure protects the heritage values of historic heritage listed in HH-SCHED2, taking into account the functional need or operational need for the siting of the infrastructure while also recognising and providing for the maintenance, repair and upgrade of existing infrastructure.”

Date: 27 October 2023

B. Steven

Appendix 1 – List of materials provided by submitters

MainPower [249] materials and evidence

- Statement of Evidence of Melanie Foote on behalf of MainPower New Zealand Limited | 7 August 2023⁹
- Summary of Evidence of Melanie Karen Foote on behalf of MainPower New Zealand Limited | 23 August 2023¹⁰

Heritage New Zealand Pouhere Taonga [178] materials and evidence

- Statement of Evidence of Arlene Ruth Baird on Behalf of Heritage New Zealand Pouhere Taonga | 4 August 2023¹¹

Oxford Equity Limited [FS 117] materials and evidence

- Evidence of Paul Albert Dallimore regarding 17 Main Street, Oxford (Currilea / Redwoods) | 07 August 2023¹²
- Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) | 14 August 2023¹³
- Bundle of Authorities Relied On¹⁴
- Summary Statement of Paul Dallimore¹⁵

⁹ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0032/139973/STREAM-5-EVIDENCE-11-SUBMITTER-249-AND-58-MAINPOWERMainPower-evidence-Hearing-Stream-5-Melanie-Foote.pdf

¹⁰ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0023/141818/STREAM-5-EVIDENCE-11-SUBMITTER-249-AND-58-MAINPOWER-SUMMARY-OF-EVIDENCE-MELANIE-FOOTE-RESOURCE-MANAGEMENT-GROUP-PRESENTED-23-AUGUST-2-05PM-Melanie_Foote_Summary_Stream-5_FINAL_23.08.23.pdf

¹¹ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0023/139271/STREAM-5-EVIDENCE-6-HERITAGE-NZ-SUBMITTER-178-AND-FS-115-Statement-of-Evidence-of-Arlene-Baird-on-behalf-of-HNZPT-on-the-Waimakariri-Proposed-District-Plan_compressed.pdf

¹² https://www.waimakariri.govt.nz/__data/assets/pdf_file/0017/141317/STREAM-5-EVIDENCE-14-SUBMITTER-FS-117-OXFORD-EQUITY-LTD-Evidence-of-Paul-Dallimore-FS117-HH-Stream-5.pdf

¹³ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0022/141817/STREAM-5-EVIDENCE-14-SUBMITTER-FS-117-OXFORD-EQUITY-LTD-SAM-CHIDGEY-LEGAL-SUBMISSIONS-TAVENDALE-PARTNERS.pdf

¹⁴ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0025/141559/STREAM-5-LEGAL-EVIDENCE-14-SUBMITTER-FS-117-OXFORD-EQUITY-LTD-SAM-CHIDGEY-TAVENDALE-PARTNERS-HAS-239173-1-144-1-Bundle-of-Authorities-Relied-On.pdf

¹⁵ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0021/141816/STREAM-5-EVIDENCE-14-SUBMITTER-FS-117-OXFORD-EQUITY-LTD-PAUL-DALLIMORE-SUMMARY-STATEMENT-.pdf

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in **red text** (with underline and ~~strike-out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

THIS SECTION HAS RULES THAT HAVE LEGAL EFFECT. PLEASE CHECK THE EPLAN TO SEE WHAT THE LEGAL EFFECT IS OR SUBJECT TO APPEAL.

HH - Taonga o onamata - Historic Heritage

Introduction

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under the RMA. Historic heritage contributes to the environmental qualities, amenity values and character of the District.

Historic heritage includes those items that provide a sense of place and tangible links with the past. Heritage values have been identified, based on matters set out in the RPS, and have been assessed against significance criteria directly based on those matters. These criteria provide a basis for assessing historic heritage as to its significance to the District.

Historic heritage is vulnerable to modification, damage or destruction from inappropriate subdivision, use or development. It is important that heritage values are identified, protected and maintained.

Statutory responsibility is also held by HNZPT under the HNZPTA. It is unlawful to destroy, damage or modify an archaeological site regardless of whether the archaeological¹⁶ site is identified in the District Plan, identified elsewhere or not recorded, without obtaining an archaeological authority from HNZPT. This is also the case regardless of whether the activity is permitted under the District Plan or a resource or building consent has been granted.¹⁷

¹⁶ Recommendation from S42A report: Heritage New Zealand [178.11]

¹⁷ Recommendation from S42A report: Heritage New Zealand [178.10]

The provisions in this chapter have been justified where required by a s77J qualifying matter assessment contained in the relevant section 32 evaluation report under the RMA.

The rules and schedules in this chapter have immediate legal effect under s86B(3)(a)

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to historic heritage include:

- Energy and Infrastructure: rules within this chapter are relevant, in the context of HH-P7, as this chapter contains controls on some types of infrastructure in places with heritage values.
- Signs: contains provisions relevant for historic heritage, in particular SIGN-R3 Any community sign, and SIGN-R8 Any sign other than a community sign fixed on a historic heritage item or within a historic heritage setting.
- Subdivision: contains provisions relevant for historic heritage, in particular SUB-R7 Subdivision of a site containing a historic heritage item, heritage setting or notable tree.
- Earthworks: addresses earthworks [within archaeological sites and](#)¹⁸ in relation to historic heritage and any heritage setting.
- Sites and Areas of Significance to Māori: contains provisions relevant to protect wāhi tapu/wāhi taonga from adverse effects.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
HH-O1	<p>Contribution to the District Historic heritage and its overall contribution to the identity of the District is recognised, maintained and protected and maintained from inappropriate subdivision, use, and development¹⁹.</p>
Policies	
HH-P1	<p>Identification of historic heritage Identify historic heritage and assess the significance of its heritage values according to the criteria identified in HH-SCHED1.</p>
HH-P2	<p>Significance categories and scheduling Categorise identified historic heritage as either ‘Significant’ or ‘Highly Significant’ according to the following:</p> <ol style="list-style-type: none"> 1. ‘Highly Significant’ (Category A) historic heritage shall: <ol style="list-style-type: none"> a. meet at least one of the criteria of HH-P1 at a Highly Significant level; and

¹⁸ Recommendation from S42A report: Heritage New Zealand [178.12]

¹⁹ Recommendation from right of reply report: Concept Services [230.4]

	<p>b. be of high overall significance to the District, as it conveys important aspects of history or development, and thereby makes a strong contribution to the sense of identity; and</p> <p>c. have a high degree of authenticity (based on physical and documented evidence) and a high degree of integrity (whole or intact heritage fabric and heritage values) to clearly demonstrate that it is of high significance; or</p> <p>2. 'Significant' (Category B) historic heritage shall:</p> <p>a. meet at least one of the criteria of HH-P1 at a Significant or Highly Significant level; and</p> <p>b. be of district significance, as it conveys aspects of history or development, and thereby contributes to the sense of identity; and</p> <p>c. have a sufficient degree of authenticity (based on physical and documentary evidence) and a moderate degree of integrity (whole or intact heritage fabric and heritage values) to clearly demonstrate that it is of significance; and</p> <p>3. Schedule historic heritage and any associated heritage setting in HH-SCHED2 where the categories for 'Highly Significant' (Category A) or 'Significant' (Category B) are met.</p>
HH-P3	<p>Heritage settings Recognise and maintain the relationship of historic heritage and any associated heritage setting for historic heritage listed in HH-SCHED2 within the context of subdivision, use and development.</p>
HH-P4	<p>Archaeological sites Assist Te Ngāi Tūāhuriri Rūnanga and HNZPT to protect identified and any unmarked or unrecorded archaeological sites from modification, disturbance, damage and destruction.</p>
HH-P5	<p>Adverse effects Use and Development²⁰ Manage the effects of subdivision, use and development on historic heritage and heritage settings, listed in HH-SCHED2, in a way that:</p> <ol style="list-style-type: none"> provides for ongoing use and adaptive²¹ re-use that is sensitive to identified heritage values; enables heritage investigative and temporary works and maintenance or repair to meet Building Code requirements, that is sensitive to identified heritage values; protects identified heritage values from inappropriate subdivision, use, and development, including any alteration, addition and the erection of a structure, building or addition to a building within a site or heritage setting; and conserves, and where possible enhances, the authenticity and integrity of historic heritage and any heritage setting, particularly for 'Highly Significant' historic heritage.
HH-P6	<p>Relocation of significant and highly significant historic heritage Provide for the relocation of:</p> <ol style="list-style-type: none"> 'Significant' historic heritage, listed in HH-SCHED2, beyond its existing site and/or heritage setting where:

²⁰ Recommendation from right of reply report: Heritage NZ [178.18]

²¹ Recommendation from right of reply report: Heritage NZ [178.18]

	<p>a. it is demonstrably necessary to facilitate on-going use or protection of the historic heritage;</p> <p>b. alternatives to relocation have been fully evaluated and the costs of retention on-site outweigh the benefits;</p> <p>c. measures are in place to minimise the risk of damage to the historic heritage, and relocation will maintain the identified heritage values; and</p> <p>d. the new site is compatible with and sensitive to the heritage values of the historic heritage being relocated; and</p> <p>2. 'Significant' and 'Highly Significant' historic heritage, listed in HH-SCHED2, within its existing site and/or heritage setting where:</p> <p>a. relocation is necessary to facilitate on going use or protection of the historic heritage item, including its heritage setting;</p> <p>b. measures are in place to minimise the risk of damage to the historic heritage, and relocation will maintain the identified heritage values; and</p> <p>c. alternative options have been explored and it is demonstrated that relocation is the only feasible option; and</p> <p>3. avoid the relocation of 'Highly Significant' historic heritage, listed in HH-SCHED2, beyond its existing site and/or heritage setting, to protect relevant Category A (HH-P1 and HH-P2) values.</p>
HH-P7	<p>Siting of infrastructure and maintenance, repair, or upgrades²²</p> <p>Ensure the siting of new infrastructure and the maintenance, repair and upgrade of existing infrastructure protects the heritage values of historic heritage listed in HH-SCHED2, taking into account the functional need or operational need for the siting of the infrastructure²³.</p>
HH-P8	<p>Demolition of listed historic heritage</p> <p>Avoid demolition of historic heritage, listed in HH-SCHED2, unless:</p> <p>1. there is a real and significant risk to life or property that interim measures could not address; or</p> <p>2. costs to retain the historic heritage would be unreasonable compared to all reasonable options to restore, repair, adapt, reuse or relocate the historic heritage item; and</p> <p>3. options to restore, repair, adapt, reduce the extent of demolition, reuse, or relocate would be insensitive to identified heritage values, recognising the significance category of the historic heritage and its heritage setting.</p>

Activity Rules

HH-R1	Maintenance or repair of any historic heritage item listed in HH-SCHED2
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²² Recommendation from right of reply report: MainPower [249.107]

²³ Recommendation from right of reply report: MainPower [249.107]

<p>Heritage Building or Item Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> any heritage fabric removed is limited to the amount necessary to carry out the maintenance or repair; the area any heritage fabric has been removed from shall be made weather tight; or²⁴ the activity is undertaken to satisfy or better meet compliance with the Building Act 2004 and Building Code; and, 4. the activity is undertaken²⁵ in accordance with the design and/or supervision of a heritage professional or architect suitably qualified in heritage maintenance or repair. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: HH-MD1 - Adverse effects on heritage values HH-MD2 - Intervention and viability of historic heritage HH-MD3 - Consultation HH-MD5 - Mitigation measures</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to HNZPT, in respect of sites on the New Zealand Heritage List Rārangi Kōrero, where the consent authority considers this is required, absent its written approval.</p>
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<p>HH-R2</p>	<p>Heritage investigative and temporary works of any historic heritage item listed in HH-SCHED2</p>	
<p>Heritage Building or Item Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> any heritage fabric removed is limited to the amount necessary to carry out the works; the area any heritage fabric has been removed from shall be made weather tight; any removed heritage fabric (excluding core drilling samples) shall be recorded and stored; and the activity is undertaken in accordance with the design and/or supervision of a heritage professional or architect suitably qualified in 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: HH-MD1 - Adverse effects on heritage values HH-MD2 - Intervention and viability of historic heritage HH-MD3 - Consultation HH-MD5 - Mitigation measures</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to HNZPT, in respect of sites on the New Zealand Heritage List Rārangi Kōrero, where the consent authority considers</p>

²⁴ Recommendation from S42A report: Heritage New Zealand [178.19]

²⁵ Recommendation from right of reply report: Waimakariri District Council [367.22]

	heritage investigative and temporary works.	this is required, absent its written approval.
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HH-R3	Construction of a structure, building or addition to a building within any historic heritage setting listed in HH-SCHED2	
Heritage Building or Item Overlay Heritage Area Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> any structure or building or addition to a building within any historic heritage setting listed in HH-SCHED2²⁶ is less than 10m² in GFA and 2m in height; the activity is necessary for the maintenance, repair and replacement of an existing car park, accessway, driveway or paved area. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: HH-MD1 - Adverse effects on heritage settings HH-MD3 - Consultation HH-MD4 - Re-use and relocation HH-MD5 - Mitigation</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to HNZPT, in respect of sites on the New Zealand Heritage List Rārangī Kōrero, where the consent authority considers this is required, absent its written approval.</p>

HH-R4	Relocation of any historic heritage item²⁷ listed in HH-SCHED2 within its site or heritage setting	
Heritage Building or Item Overlay Heritage Area Overlay	<p>Activity status: RDIS Matters of discretion are restricted to: HH-MD1 - Adverse effects on heritage values HH-MD2 - Intervention and viability of historic heritage HH-MD3 - Consultation HH-MD4 - Re-use and relocation HH-MD5 - Mitigation measures</p> <p>Notification</p>	<p>Activity status when compliance not achieved: N/A</p>

²⁶ Recommendation from S42A report: Heritage New Zealand [178.21]

²⁷ Recommendation from S42A report: Waimakariri District Council [367.52]

	An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to HNZPT, in respect of sites on the New Zealand Heritage List Rārangi Kōrero, where the consent authority considers this is required, absent its written approval.	
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HH-R5	Alteration of or addition to <u>any</u>²⁸ historic heritage item listed in HH-SCHED2	
Heritage Building or Item Overlay Heritage Area Overlay	<p>Activity status: RDIS</p> <p>Matters of discretion are restricted to: HH-MD1 - Adverse effects on heritage values HH-MD2 - Intervention and viability of historic heritage HH-MD3 - Consultation HH-MD4 - Re-use and relocation HH-MD5 - Mitigation measures</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly notified, but may be limited notified only to HNZPT, in respect of sites on the New Zealand Heritage List Rārangi Kōrero, where the consent authority considers this is required, absent its written approval.</p>	Activity status when compliance not achieved: N/A

HH-R6	Relocation of <u>any</u>²⁹ 'Significant' (Category B) historic heritage listed in HH-SCHED2 beyond its site or heritage setting	
Heritage Building or Item Overlay	Activity status: DIS	Activity status when compliance not achieved: N/A

²⁸ Recommendation from S42A report: Waimakariri District Council [367.53]

²⁹ Recommendation from S42A report: Waimakariri District Council [367.54]

Heritage Area Overlay		
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HH-R7	Demolition of any ³⁰ 'Significant' (Category B) historic heritage items listed in HH-SCHED2	
Heritage Building or Item Overlay Heritage Area Overlay	Activity status: DIS	Activity status when compliance not achieved: N/A

HH-R8	Relocation of any ³¹ 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2 beyond its site or heritage setting	
Heritage Building or Item Overlay Heritage Area Overlay	Activity status: NC	Activity status when compliance not achieved: N/A

HH-R9	Demolition of any ³² 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2	
Heritage Building or Item Overlay Heritage Area Overlay	Activity status: NC	Activity status when compliance not achieved: N/A

³⁰ Recommendation from S42A report: Waimakariri District Council [367.55]

³¹ Recommendation from S42A report: Waimakariri District Council [367.56]

³² Recommendation from S42A report: Waimakariri District Council [367.57]

Advice Notes

HH-AN1	Activities and structures may also be subject to controls outside the District Plan. Reference should also be made to any other applicable rules or constraints within other legislation or ownership requirements including but not limited to the Building Act 2004 and the HNZPTA.
HH-AN2	If any activity associated with a project, including earthworks, modifications to any pre-1900 structure, or demolition of any pre-1900 building, may modify, damage or destroy an archaeological site(s), an archaeological authority from HNZPT must be obtained for the work to proceed lawfully. In relation to archaeological sites, earthworks include gardening, cultivation, and the disturbance of land for the installation of fence posts. ³³
HH-AN3	Many archaeological sites are also scheduled sites of significance to Māori. Provisions relating to sites of significance to Māori are contained in the Sites and Areas of Significance to Māori Chapter.
HH-AN4	If an archaeological site is discovered, for example when conducting earthworks, work that could affect the archaeological ³⁴ site should must ³⁵ be stopped and contact made with HNZPT for advice. Works that could affect archaeological sites include but are not limited to earthworks, gardening, cultivation, and the disturbance of land for the installation of fence posts. ³⁶

Matters of discretion

HH-MD1	<p>Adverse effects on heritage values</p> <ol style="list-style-type: none"> Any effect on the heritage values, heritage setting, including the form and materials of the proposed works. The location, extent or height of the proposal. For new buildings or structures on the same site or within a heritage setting, the extent the building, structure or feature will be compatible with the heritage fabric, heritage values and significance of the historic heritage including design, materials and location. For infrastructure, the functional need or operational need to be located in or in proximity to the historic heritage and any heritage setting.
HH-MD2	<p>Intervention and viability of historic heritage</p> <ol style="list-style-type: none"> The level of intervention necessary to carry out the works, including to meet the requirements of the Building Act 2004 and Building Code, and alternative solutions considered. The extent to which the historic heritage has been damaged by significant natural events and the necessity of work to prevent further deterioration.
HH-MD3	Consultation

³³ Recommendation from right of reply report: Heritage New Zealand [178.24]

³⁴ Recommendation from S42A report: Heritage New Zealand [178.11]

³⁵ Recommendation from S42A report: Heritage New Zealand [178.25]

³⁶ Recommendation from right of reply report: Heritage New Zealand [178.25]

	<ol style="list-style-type: none"> 1. In respect of sites on the New Zealand Heritage List Rārangī Kōrero whether HNZPT has been consulted and the outcome of that consultation. 2. The extent that the site has cultural or spiritual significance to mana whenua and where Te Ngāi Tūāhuriri Rūnanga has been consulted, the outcome of that consultation, and whether the development or activity responds to, or incorporates the outcome of that consultation.
HH-MD4	<p>Re-use and relocation</p> <ol style="list-style-type: none"> 1. Options for ongoing and viable uses, including adaptive reuse. 2. For the relocation of historic heritage: <ol style="list-style-type: none"> a. whether the new location and orientation will maintain heritage values; b. whether alternative solutions have been considered, including maintenance or repairs, alterations; and c. the potential damage to heritage fabric during relocation and whether repairs will be required, and what mitigation measures are proposed, including the use of a temporary protection plan. 3. Opportunities to enhance the physical condition of the historic heritage and its heritage values.
HH-MD5	<p>Mitigation measures</p> <ol style="list-style-type: none"> 1. The extent to which existing topography or vegetation will mitigate adverse effects. 2. Any existing mitigation measures and the extent to which mitigation measures are proposed to be implemented to protect the historic heritage. 3. The extent of photographic recording which is necessary to document changes, including prior to, during the course of the works and on completion.

Schedules

HH-SCHED1 - Historic Heritage Significance Assessment Criteria



Historical and Social	Values that demonstrate or are associated with: a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political or other patterns;
Cultural and Spiritual	Values that demonstrate or are associated with: the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to mana whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values;

Architectural and Aesthetic	Values that demonstrate or are associated with: a particular style, period or designer, design values, form, scale, colour, texture and material of the place;
Technological and Craftsmanship	Values that demonstrate or are associated with: the nature and use of materials, finishes and/or technological or constructional methods which were innovative, or of notable quality for the period;
Contextual	Values that demonstrate or are associated with: a relationship to the environment (constructed and natural), a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style and/or detail; recognised landmarks and landscape which are recognised and contribute to the unique identity of the environment; and
Archaeological or Scientific	Values that demonstrate or are associated with: the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological or other values of past events, activities, structures or people.

HH-SCHED2 - Historic Heritage Items



Heritage Item ID	Name	Address	Legal Description	Description of Item	Category (A=Highly Significant, B=Significant)	HNZPT Category & List number
HH001	Former Bank of New Zealand (incl. manager's residence)	188 Williams Street, Kaiapoi	Lot 1 DP 36550	Building	A	HNZPT historic place category 1, list # 3677

HH002	Former Kaiapoi Woollen Manufacturing Company woollen mills	35 Ranfurly Street, Kaiapoi	Lot 3 DP 49595	Building	A	HNZPT historic place category 2, list # 3754
HH003	St Bartholomew's Anglican Church	23B Cass Street, Kaiapoi	Lot 3 DP 26905	Building	A	HNZPT historic place category 1, list # 285
HH004	Kaiapoi footbridge [Mandeville Bridge]	Raven Quay - Trousselot Park, Kaiapoi River, Kaiapoi	Part Lot 13 DP 1280 and legal river	Structure	A	HNZPT historic place category 2, list # 1812
HH005	Kaiapoi War Memorial	Memorial Reserve, Raven Quay, Kaiapoi	Pt Lot 12 DP 1280	Monument	A	HNZPT historic place category 2, list # 3763
HH006	Ohoka Farm homestead, former White residence	21 Jacksons Road, Ohoka	Lot 1 DP 81869	Building	A	HNZPT historic place category 1, list # 274
HH007	Ohoka Farm stable	21 Jacksons Road, Ohoka	Lot 1 DP 81869	Building	B	HNZPT historic place category 2, list # 3347
HH008	Mount Thomas Station homestead, former Brown residence	436 Birch Hill Road, Okuku	Part Lot 1 DP 26064	Building	A	HNZPT historic place category 1, list # 3086

HH009	'Ashley Farm', former Smith farmhouse	269 West Belt, Rangiora	Lot 2 DP 457748	Building	A	HNZPT historic place category 2, list # 1820
HH010	'Turvey House' (aka 'Ayerholme'), fmr Samuel and Sarah Ayers house	208 King Street, Rangiora	Lot 3 DP 82008	Building	A	HNZPT historic place category 2, list # 3764
HH011	Coronation Gates, South African War Memorial Sundial & Band Rotunda	Victoria Park, 123-129 Percival Street, Rangiora	Lot 6 DP 12852, Lots 88-91 & Pt Lot 87 DP 1691	Structure	A	HNZPT historic place category 2, list # 3765
HH012	'Brooklands', Leech homestead	521 Rangiora Woodend Road, Rangiora	Lot 1 DP 80275	Building	A	HNZPT historic place category 2, list # 1822
HH013	Rangiora Borough Council Substation	131B Percival Street, Rangiora	Lot 5 DP 12852	Building	B	
HH014	Anglican Church of St John the Baptist	351 High Street, Rangiora	Lot 5 DP 11217	Building	A	HNZPT historic place category 2, list # 1823

HH015	Former Anglican Church of St Simon & St Jude/Ashley Community Church	39 Canterbury Street, Ashley	Part RS 2777	Building	A	HNZPT historic place category 2, list # 5433
HH016	Former Keir house	62 Ivory Street, Rangiora	Pt Lot 2 DP 13945	Building	A	HNZPT historic place category 2, list # 3769
HH017	Johnston's Buildings	113 High Street, Rangiora	Lot 2 DP 28806	Building	A	HNZPT historic place category 2, list # 3784
HH018	Former Rangiora Borough Council Chambers / Rangiora Library	133 Percival Street, Rangiora	Lot 4 DP 12852	Building	A	HNZPT historic place category 2, list # 3786
HH019	Former Rangiora Bowling, Tennis and Croquet Club pavilion/Rangiora Bowling Club pavilion	25 Good Street, Rangiora	Lot 7 DP 71	Building	A	HNZPT historic place category 2, list # 3787
HH020	Te Whare Tipene/St Stephen's Church (Anglican)	234 Tuahiwi Road, Tuahiwi	Pt Lot 1 DP 12780	Building	A	HNZPT historic place category 1, list # 7380

HH021	Kaiapoi/Kaiapohia Pa Monument	6 Preece Road, Waikuku	Pt RS 41401	Monument	A	HNZPT historic place category 2, list # 3793
HH022	Former Kirk house	12 Carew Street, Kaiapoi	Part Lots 13 & 14 DP 711	Building	A	HNZPT historic place category 1, list # 7445
HH023	Waimakariri Gorge Bridge (part)	Depot Road, Burnt Hill, Oxford	Road reserve & Waimakariri River bed	Structure	A	HNZPT historic place category 2, list # 1797
HH024	North Loburn School Fallen Scholars' Memorial	817 Loburn Whiterock Road, Loburn	Part RS 7738	Monument	A	
HH025	Queen's Monument	Darnley Square, 11 Cass Street, Kaiapoi	Part RS 320	Monument	A	
HH026	Former Linen Flax Factory building	501 Woodstock Road, Oxford	Part RS 26568	Building	A	
HH027	'Springbank', former R Chapman homestead	1035 Oxford Road, Swannanoa	Lot 2 DP 325406	Building	A	
HH028	Former Neeve farmhouse	91 Island Road, Clarkville, Kaiapoi	Lot 6 DP 67643	Building	B	HNZPT historic place category 2, list # 3739

HH029	Former Kaiapoi Island Church of England Day School/St Augustine's Anglican Church	8 Island Road, Clarkville, Kaiapoi	Lot 1 DP 83594	Building	B	HNZPT historic place category 2, list # 3740
HH030	Former St James' on the Cust Anglican Church parsonage	1776 Cust Road, Cust	Lot 1 DP 60487	Building	B	HNZPT historic place category 2, list # 5270
HH031	St James' on the Cust Anglican Church, Sunday School & belfry	1750 Cust Road, Cust	Part RS 5777	Building	B	HNZPT historic place category 2, list # 3077
HH032	'The Priory', former Anglican parsonage	1990 Oxford Road, Cust	Pt RS 7332	Building	B	HNZPT historic place category 2, list # 5269
HH033	Wolffs Road footbridge	1077 & 1091 Wolffs Road / Eyre River, Horrellville	Pt Lot 3 DP 8172 RS 37131 & Pt RS 15417	Structure	B	HNZPT historic place category 2, list # 7143
HH034	'Flaxton', Stevenson homestead	38 Flaxton Road, Flaxton	RS 2020	Building	B	HNZPT historic place category 2, list # 3798

HH035	Kaiapoi Band Rotunda	Trousselot Park 29 Charles Street, Kaiapoi	Lot 1 DP 45066	Structure	B	HNZPT historic place category 2, list # 3748
HH036	Former Campbell rental cottage	5 Meadow Street, Kaiapoi	Lot 1 DP 446221	Building	B	HNZPT historic place category 2, list # 3751
HH037	Former Rinaldi cottage	65 Sneyd Street, Kaiapoi	Pt RS 366	Building	B	HNZPT historic place category 2, list # 3752
HH038	Former Kaiapoi Post & Telegraph Office/former Wilson/Partridge dwelling	73 Sneyd Street, Kaiapoi	Pt RS 366	Building	B	HNZPT historic place category 2, list # 3753
HH039	Former Dickie cottage	259 Williams Street, Kaiapoi	Lot 1 DP 320188	Building	B	HNZPT historic place category 1, list # 3678
HH040	Former Hean cottage	7 Meadow Street, Kaiapoi	Lot 1 DP 27593	Building	B	HNZPT historic place category 2, list # 3820
HH041	Former Morgan/Sims house	232 Williams Street, Kaiapoi	Lot 1 DP 27664	Building	B	HNZPT historic place category 2, list # 3758

HH042	'Inglewood', former Threlkeld farmhouse	98-100 Threlkelds Road, Ohoka	Lot 1 DP 82641	Building	B	HNZPT historic place category 2, list # 1770
HH043	Former 'Inglewood Farm' stables	98-100 Threlkelds Road, Ohoka	Lot 1 DP 82641	Building	B	HNZPT historic place category 2, list # 1771
HH044	Kaiapoi Methodist Church/Kaiapoi Co-operating Parish Church	53/53A Fuller Street, Kaiapoi	Lot 1 DP 37286	Building	B	HNZPT historic place category 2, list # 3760
HH045	Former Kaiapoi Railway Station	57 Charles Street, Kaiapoi	Lot 11 DP 42864	Building	B	HNZPT historic place category 2, list # 3761
HH046	'Elmwood', former Pashby farmhouse (aka 'The Cream House')	183 Main North Road, Kaiapoi	Lot 1 DP 70266	Building	B	HNZPT historic place category 2, list # 3741
HH047	Former Eyreton Road Board & Eyre County Council office/'Eyre House'	465 Mill Road, Ohoka	Lot 12 DP 60989	Building	B	HNZPT historic place category 2, list # 3737

HH048	Former St Alban's Anglican Church vicarage/former Te Wai Pounamu Maori Girls' College	536 Mill Road, Ohoka	Lot 2 DP 396670	Building	A	HNZPT historic place category 2, list # 3738
HH049	Browns Rock water intake & tunnel	Browns Rock, Waimakariri River, Burnt Hill	RES 3046 (in part)	Structure	B	HNZPT historic place category 2, list # 7297
HH050	'Currilea', former Ingram house (aka 'Redwoods')	17 Main Street, Oxford	Lot 1 DP 22696	Building	B	HNZPT historic place category 2, list # 3073
HH051	Former West Oxford Police Station lock-up	72 Main Street, Oxford	Pt RS 1839	Structure	B	HNZPT historic place category 2, list # 7196
HH052	'Belgrove' farmhouse	52 Kippenberger Avenue, Rangiora	Part RS 267	Building	B	HNZPT historic place category 2, list # 1821
HH053	Former Fulton/God house (aka 'Boraston' & 'Broadgreen')	29 George Street, Rangiora	Lot 3 DP 36263	Building	B	HNZPT historic place category 2, list # 3766

HH054	'Coldstream', former Macfarlane homestead	11 Coldstream Road, Ashley, Rangiora	Lot 1 DP 44383	Building	B	HNZPT historic place category 2, list # 3791
HH055	Former Rowe cottage	47 Edward Street, Rangiora	Lot 2 DP 22648	Building	B	HNZPT historic place category 2, list # 3768
HH056	Former Rangiora Courthouse	143 Percival Street, Rangiora	Section 2 SO 17511	Building	B	HNZPT historic place category 2, list # 3770
HH057	'Bush Farm' (aka 'Fleetwood'), former Williams/Foster farmhouse	14 Strachan Place, Southbrook, Rangiora	Lot 94 DP 30729	Building	B	HNZPT historic place category 2, list # 3771
HH058	'Hillview'/'Buckland's', former Dickinson/Lance farmhouse	353 Ashley Road, Summerhill, Cust	RS 8115	Building	B	HNZPT historic place category 2, list # 3081
HH059	Former Payne rental cottage	56 Church Street, Rangiora	Pt RS 53	Building	B	HNZPT historic place category 2, list # 3774

HH060	Former Jennings/Ivory cottage	66B Ivory Street, Rangiora	Lot 2 DP 59835	Building	B	HNZPT historic place category 2, list # 3779
HH061	Former Ayers/Winskill house	22 Seddon Street, Rangiora	Lot 1 DP 12159	Building	B	HNZPT historic place category 2, list # 3782
HH062	Suffolk House, former Hunnibell's boot and shoe shop	257 High Street, Rangiora	Lot 1 DP 43552	Building	B	HNZPT historic place category 2, list # 3274
HH063	Former Junction Hotel façade	112 High Street, Rangiora	Pt Lot 3 DP 1569	Building	B	HNZPT historic place category 2, list # 3783
HH064	Former Bank of New Zealand manager's residence/Rangiora Museum	29 Good Street, Rangiora	Part RS 890	Building	B	HNZPT historic place category 2, list # 3089
HH065	Former Northern Agricultural and Pastoral Association building	93 Ivory Street, Rangiora	Part Lot 3 DP 6146	Building	B	HNZPT historic place category 2, list # 3772
HH066	Rangiora Town Hall	303 High Street & 175 King Street, Rangiora	Part RS 53	Building	B	HNZPT historic place category 2, list # 3788

HH067	Rangiora Soldiers' Memorial	Kippenberger War Memorial Reserve, 55 High Street, Rangiora	Lot 1 DP 476581	Monument	B	HNZPT historic place category 2, list # 3789
HH068	'Beach Glen', former Orchard farmhouse / 'Polesworth Villa', former Cross house	1461 Main North Road (SH 1), Waikuku	Lot 4 DP 55678	Building	B	HNZPT historic place category 2, list # 3796
HH069	Woodend Methodist Church	86 Main North Road (SH 1), Woodend	Part RS 367B	Building	B	HNZPT historic place category 2, list # 3795
HH070	St Barnabas' s Anglican Church and Lychgate	153 Main North Road (SH 1), Woodend	Part RS 358	Building	B	HNZPT historic place category 2, list # 3797
HH071	Former Thomas Ayers jnr house	128 Main North Road, Woodend	Pt RS 685	Building	B	HNZPT historic place category 2, list # 3799
HH072	Former Waikuku Wesleyan Methodist Church	1403 Main North Road (SH 1), Waikuku	Part RS 1235	Building	B	HNZPT historic place category 2, list # 3794
HH073	'Bankhead Farm' stable	1479 Cust Road, Cust	Part RS 4254	Building	B	

HH074	Cust War Memorial	2 Mill Road, Cust	Lot 3 DP 38440	Monument	B	
HH075	'Erindale', former O'Farrell farmhouse	141 Mill Road (O'Farrells Road frontage), Cust	Lot 2 DP 459205	Building	B	
HH076	Eyreton Anglican Church/St Thomas's Anglican Church	590 South Eyre Road, Eyreton	Pt RS 8992	Building	B	
HH077	Former Smith farmhouse (aka 'The Kauri House')	1015 Downs Road, West Eyreton	Lot 1 DP 57739	Building	B	
HH078	'Eyrewell', former Dixon homestead	2024 South Eyre Road, Eyrewell	RS 9952, 10118	Building	B	
HH079	'Fernside House' / 'Airlie' / 'Hillcrest', former Mannering / Buddo / Carpenter homestead	481 Mount Thomas Road, Fernside	Lot 2 DP 500982	Building	B	

HH080	Former Moeraki Downs / Springbank Railway Station storage shed, stockyards & loading bank	1164 Oxford Road, Springbank	Lot 1 DP 71597	Building and Structure	B	
HH081	Former Horrellville Wesleyan Church / Horrellville Church Sunday School hall	1330 Poyntz Road, Horrellville	Part RS 6416	Building	B	
HH082	'Rakahuri', former Ensor homestead	2 Rakahuri Road, Glentui	Lot 1 DP 48072	Building	B	
HH083	'Pleasant View', former Fairweather homestead (aka 'Krakatoa')	186 Summerhill Road, Summerhill, Cust	Lot 7 DP 469532	Building	B	
HH084	Former Summerhill School building	365 Summerhill Road, Summerhill	Part RS 7430	Building	B	
HH085	NZ Scout Association Memorial	203 Gladstone Road, Woodend	Lot 1 DP 22801	Monument	B	

HH086	'Stratford Grove', former Josling residence	458 Rangiora Woodend Road, Rangiora	RS 1211	Building	B	
HH087	St Alban's Anglican Church	528 Mill Road, Ohoka	Lot 2 DP 10011	Building	B	
HH088	Rangiora Railway Station	2 Blakett Street, Rangiora	Lot 8 DP 69077 & Part RS 917	Building	B	
HH089	West Eyreton War Memorial	2 Earlys Road, West Eyreton	Pt RS 12574	Monument	B	
HH090	St Matthew's Anglican Church & Jubilee Memorial Belltower	1 Mairaki Road, Fernside	Part RS 5927	Building and Structure	B	
HH091	Birch Hill Cemetery Milton / Ford family and World War I Memorial	130 Garry River Road, Glentui	Lot 1 DP 10564	Monument	B	HNZPT historic place category 2, list # 9251 [cemetery]
HH092	Anglican Church of St John the Baptist Sunday School & Parish Hall	71 Church Street, Rangiora	Part of Lots 4 & 5 DP 11217	Building	B	
HH093	Former Sefton Library	14 Pemberton's Road, Sefton	Lot 7 Pt RS 2355 Sefton Township	Building	B	

HH094	Sefton Fallen Soldiers' War Memorial	Sefton Domain, 2 Vaughan Street, Sefton	Res 4049	Monument	B	
HH095	Oxford Fallen Soldiers' War Memorial	Pearson Park, 54 Main Street, Oxford	RS 41868	Monument	B	
HH096	Rangiora Borough School Diamond Jubilee Memorial Gates	157 King Street, Rangiora	Part Lot 1 DP 26526	Monument	B	
HH097	Former CW Bell's tailor shop	214/216 High Street, Rangiora	Lot 1 DP 24864	Building	B	
³⁷ HH098	Former Head, Hodgson & Howat's store	1693-Cust Road, Cust	Part RS 3669-Blk VII Mairaki SD	Building	B	
HH099	St David's Union Church (Presbyterian)	1664 Cust Road, Cust	Part RS 5987	Building	B	
HH100	Catholic Church of the Sacred Heart of Jesus	98 Main Street, Oxford	Part RS 201	Building	B	
HH101	St Brigid's Catholic Church	232 Loburn Whiterock Road, Loburn	Part RS 17168 [incl RS 17168X]	Building	B	

³⁷ Recommendation from S42A report: Blair and Renee Williamson [151.1]

HH102	Former Oxford Post & Telegraph Office and postmaster's residence	35 Main Street, Oxford	Section 1 SO 17949	Building	B	
HH103	Oxford Town Hall	30 Main Street, Oxford	Lot 2 DP 46386	Building	B	
HH105	Former Alfred Lee store and residence	51 Main Street, Oxford	Lot 1 DP 342801	Building	B	
HH106	Former Sefton Hotel / Anglers' Arms Tavern	573 Upper Sefton Road, Sefton	Lot 1 DP 1816	Building	B	
HH107	Former Union Bank of Australia	557 Upper Sefton Road, Sefton	Lot 2 DP 412839	Building	B	
HH108	Swannanoa Wesleyan Methodist Church / Swannanoa Community Church	1299/1303 Tram Road, Swannanoa	Part RS 8183	Building	B	
HH109	West Eyreton School building	1651 North Eyre Road, West Eyreton	Lot 1 DP 6771	Building	B	

HH110	Former Fernside Railway Station grain store/goods shed, stockyards & loading bank	354 Oxford Road, Fernside	Part Lot 1 DP 65842	Building and Structure	B	
HH112	Hassall's Ford footbridge (Butcher's footbridge)	Kaiapoi River, near Butchers Road, Kaiapoi		Structure	B	
HH113	Langer cottage ruins	278 Rampaddock Road, View Hill	Lot 2 DP 19324	Building Ruins	B	
HH114	Former Rangiora Brick and Tile Works' Hoffmann kiln (remains)	29 Brick Kiln Road, Rangiora	Lot 6 DP 77063	Structure Ruins	B	
HH115	'Oakleigh', former Chapman/Van Asch/Kipp enberger residence	148 King Street, Rangiora	Part Lot 1 DP 6401	Building	B	
HH116	Former Rangiora Post & Telegraph Office	132A King Street, Rangiora	Lot 1 DP 80919	Building	B	

HH117	Southbrook Substation	Intersection of Flaxton & Lineside Roads, Southbrook, Rangiora	Section 3 SO 386223	Structure	B	
HH118	'Northwood', former AT Chapman homestead	414 Woodfields Road, Swannana	Lot 1 DP 26137	Building	B	
HH119	Former Reynox Private Hotel	153 High Street, Oxford	Lot 3 DP 13963	Building	B	
HH120 ³⁸	'Former Ohoka Estate lodge (gardener's residence)'	493 Mill Road [Whites Road frontage], Ohoka	Lot 4 DP 1641	Building	B	HNZPT historic place category 2, list # 3817

Definitions

Definition of 'Archaeological site' to be amended to provide a hyperlink from 'HNZPTA' to the Heritage New Zealand Pouhere Taonga Act 2014 on the New Zealand Legislation webpage.³⁹

Maintenance or repair

"means in relation to identified historic heritage, works that will restore or keep heritage fabric in a sound condition by using the same or similar materials and retaining the existing form, proportions, finishes including painting,⁴⁰ and characteristics. It includes Building Act 2004 and Building Code upgrades necessary as part of the works or where to satisfy or increase compliance with Building Act 2004 and Building Code requirements including structural seismic upgrades, fire protection and provision of access."

³⁸ Recommendation from S42A report: Heritage New Zealand [178.42]

³⁹ Recommendation from right of reply report: Heritage New Zealand [178.10]

⁴⁰ Recommendation from right of reply report: Waimakariri District Council [367.22]

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
General submissions: Whole of HH Chapter							
210.10	Waimakariri Irrigation Limited	General	Retain the Historic Heritage Chapter, provided that the operation, maintenance, upgrading and development of the Waimakariri Irrigation Limited network is not unnecessarily restricted.	3.2	Accept in part	See body of the report for the assessment of this submission point.	No
148.5	Rangiora-Ashley Community Board	General	Not specified. [Submission summary: Supports the Historic Heritage Chapter and considers it important to protect historic and cultural areas of interest.]	3.2	Accept in part	See body of the report for the assessment of this submission point.	No
Proposed Plan Notified Definitions							
419.3	Department of Conservation	Alteration	Amend the definition of 'alteration': "... c. permanent addition of <u>heritage</u> fabric ..."	3.3.1	Reject	See body of the report for the assessment of this submission point.	No
178.1	Heritage New Zealand Pouhere Taonga	Alteration	Retain definition of 'alteration' as notified.	3.3.1	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
178.3	Heritage New Zealand Pouhere Taonga	Heritage fabric	Retain definition of 'heritage fabric' as notified.	N/A	Accept	I agree with the submitter.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
178.4	Heritage New Zealand Pouhere Taonga	Heritage setting	Retain the definition of 'heritage setting' as notified.	N/A	Accept	I agree with the submitter.	No
373.4	KiwiRail Holdings Limited	Maintenance or repair	Amend definition of 'maintenance or repair': " <u>...in relation to the transport network, the repair, replacement or renewal of the transport network where the works do not alter the character, intensity and scale of the transport network.</u> "	3.3.2	Reject	See body of the report for the assessment of this submission poi	No
Proposed New Definitions							
178.2	Heritage New Zealand Pouhere Taonga	Definitions – General	Add the following new definition: " <u>Earthworks within an archaeological site: means the alteration or disturbance of land, including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the land including soil, clay, sand and rock); and includes gardening, cultivation, and disturbance of land for the installation of fence posts.</u> " <u>Note this is a departure from the NPS guidance as earthworks within an archaeological site is wider than the NPS definition.</u>	3.4.1	Reject	See body of the report for the assessment of this submission point.	No
178.5	Heritage New Zealand Pouhere Taonga	Definitions - General	Insert new definition of 'recording': " <u>Recording: in relation to historic heritage means the capture of information about physical fabric and related aspects of a building or structure. It will generally involve the creation of drawn, written and photographic records, and may also include the collection of samples and loose artefacts. Recording should be both descriptive and analytical, encompassing interpretation of what is being recorded</u> ".	3.4.2	Reject	See body of the report for the assessment of this submission point.	No
Historic Heritage - Introduction							
178.10	Heritage New Zealand Pouhere Taonga	Introduction	Amend the Historic Heritage introduction: "Statutory responsibility is also held by HNZPT under the	3.5	Accept in part	See body of the report for the assessment of this submission point.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<p>HNZPTA. It is unlawful to destroy, damage or modify an archaeological site regardless of whether the site is identified in the District Plan, identified elsewhere or not recorded, without obtaining an archaeological authority from HNZPT. This is also the case regardless of whether the activity is permitted under the District Plan or a resource or building consent has been granted.</p> <p><u>An archaeological site is defined in the Heritage New Zealand Pouhere Taonga Act 2014 as any place in New Zealand (including buildings, structures, or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.</u>"</p>			<p>Additionally, I also recommend a minor amendment to the definition of 'Archaeological site' to provide a hyperlink from the term 'HNZPTA' to the HNZPT Act on the New Zealand Legislation webpage. This will support users of the plan to navigate to the relevant legislation.</p>	
178.11	Heritage New Zealand Pouhere Taonga	Introduction	Delete any reference to 'site' in relation to archaeology and replace with 'archaeological site'.	3.5	Accept	See body of the report for the assessment of this submission point.	Yes
178.12	Heritage New Zealand Pouhere Taonga	Introduction	Amend the reference to the Earthworks Chapter to: "Earthworks: addresses earthworks <u>within an archaeological site</u> , in relation to historic heritage and any heritage setting".	3.5	Accept in part	See body of the report for the assessment of this submission point.	Yes
178.13	Heritage New Zealand Pouhere Taonga	Introduction	Amend Heritage Chapter Introduction to: "... Any other District wide matter that may affect or relate to the <u>historic heritage</u>"	3.5	Reject	See body of the report for the assessment of this submission point.	No
195.66	Transpower New Zealand Limited	Introduction - General	Amend 'Other potentially relevant District Plan provisions' subsection to clearly and succinctly set out the provisions that apply to infrastructure throughout the Proposed District Plan.	3.5	Reject	See body of the report for the assessment of this submission point.	No
249.105	MainPower New Zealand Limited	General	Insert hyperlinks from the Energy and Infrastructure Chapter to the relevant Historic Heritage rules.	3.5	Reject	See body of the report for the assessment of this submission point.	No
Strategic Directions							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
178.6	Heritage New Zealand Pouhere Taonga	SD-O5	Include a new objective to provide high level direction regarding the identification and recognition of places, landscapes, and features which are significant to Waimakariri's character and cultural heritage, to ensure their protection for future generations.	3.6	Reject	See body of the report for the assessment of this submission point.	No
FS105	Canterbury Regional Council		Accept the relief sought by Heritage New Zealand Pouhere Taonga	3.6	Reject		No
FS77	Department of Conservation		Support this submission point. It is important to promote the preservation of character and cultural heritage	3.6	Reject		No
HH-O1 Contribution to the District							
230.4	Concept Services	HH-O1	Amend HH-O1: "Historic heritage and its overall contribution to the identity of the District is recognised, <u>and it is protected and maintained where practicable.</u> "	3.7	Reject <u>Accept in part</u>	See body of the report for the assessment of this submission point. <u>Additionally, I consider that the s6(f) RMA qualification is not adequately reflected in the objective as notified and I recommend HH-O1 is amended as set out in Appendix 2 of this right of reply report.</u>	No <u>Yes</u>
FS115	Heritage NZ Pouhere Taonga		HNZPT OPPOSES the relief sought and requests the objective be adopted as notified.	3.7	Accept <u>Reject in part</u>		No
FS117	Oxford Equity Ltd		That HH-O1 be amended to state, " <u>Historic heritage and its overall contribution to the identity of the District is recognised, and where appropriate protected and maintained otherwise manage significant adverse effects on historic heritage.</u> " Any other relief consequential relief available as a result of this further submission.	3.7	Reject		No
249.106	MainPower New Zealand Limited	HH-O1	Retain HH-O1.	3.7	Accept <u>in part</u>	I agree with the submitter.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						Subject to amendments recommended to HH-O1 in response to the Concept Services [230.4] submission addressed within this right of reply report.	
326.207	Rolleston Industrial Developments Limited	HH-O1	Retain HH-O1 as notified.	3.7	Accept in part	I agree with the submitter. Subject to amendments recommended to HH-O1 in response to the Concept Services [230.4] submission addressed within this right of reply report.	No
FS137	Ohoka Residents Association		Reject the submission	3.7	Reject in part		No
HH-P1 Identification of historic heritage							
326.208	Rolleston Industrial Developments Limited	HH-P1	Retain HH-P1 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-P2 Significance categories and scheduling							
178.14	Heritage New Zealand Pouhere Taonga	HH-P2	Retain HH-P2 as proposed.	N/A	Accept	I agree with the submitter.	No
326.209	Rolleston Industrial Developments Limited	HH-P2	Retain HH-P2 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-P3 Heritage settings							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.210	Rolleston Industrial Developments Limited	HH-P3	Retain HH-P3 as notified.	3.8.1	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	3.8.1	Reject		No
FS117	Oxford Equity Ltd		That HH-P3 be amended to state, " <u>Recognise and where appropriate maintain the relationship of historic heritage and any associated heritage setting for historic heritage listed in HH-SCHED2 within the context of considering the benefits and needs for subdivision, use and development within the locality of the listing</u> ". Any other relief consequential relief available as a result of this further submission.	3.8.1	Reject		No
HH-P4 Archaeological sites							
178.15	Heritage New Zealand Pouhere Taonga	HH-P4	Amend to identify how Council intends to assist HNZPT and Ngāi Tūāhuriri Rūnanga in managing activities that may modify, disturb, damage or destroy archaeological sites.	3.8.2	Accept in part	See body of the report for the assessment of this submission point.	No
326.211	Rolleston Industrial Developments Limited	HH-P4	Retain HH-P4 as notified.	3.8.2	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.8.2	Reject		No
HH-P5 Adverse effects							
178.16	Heritage New Zealand Pouhere Taonga	HH-P5	Retain HH-P5 as proposed.	3.8.3	Accept in part	I agree with the submitter. See body of the report for the assessment of this submission point. I recommend HH-P5 is amended to improve alignment of the policy with the ICOMOS	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						New Zealand Charter 2010 and to reflect the intention of the policy more accurately within the title. This recommended change is in response to the submission by Heritage NZ [178.18]. The recommended amendment is set out in Appendix 2 of this right of reply report.	
FS117	Oxford Equity Ltd		That HH-P5 heading be amended to state, " <u>Significant Adverse Effects</u> ". The first paragraph to be amended to state, " <u>Manage the significant adverse effects of subdivision, use and development on historic heritage and heritage settings, listed in HH-SCHED2, in a way that:</u> " HH-P5-point 1 be amended to state, " <u>provides for ongoing use and re-use via subdivision and development that is sensitive to identified heritage values</u> ". Any other relief consequential relief available as a result of this further submission.	3.8.3	Reject in part		No
326.212	Rolleston Industrial Developments Limited	HH-P5	Retain HH-P5 as notified.	3.8.3	Accept in part	I agree with the submitter. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.8.3	Reject in part		No
230.5	Concept Services	HH-P5	Amend HH-P5(3): "3. protects, <u>where practicable</u> , identified heritage values from inappropriate..."	3.8.3	Reject	See body of the report for the assessment of this submission point.	No
FS115	Heritage NZ Pouhere Taonga		HNZPT OPPOSES the relief sought and requests the objective be adopted as notified.	3.8.3	Accept		No
HH-P6 Relocation of significant and highly significant historic heritage							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
316.92	Canterbury Regional Council	HH-P6	Clarify the relationship of HH-P6(1) and HH-P6(3) to Category A and B historic heritage items.	3.8.4	Reject	See body of the report for the assessment of this submission point.	No
FS37	Richard and Geoff Spark		Reject the submission	3.8.4	Accept		No
FS41	David Cowley		Reject the submission	3.8.4	Accept		No
FS80	Christchurch International Airport Ltd		Allow the submission	3.8.4	Reject		No
178.17	Heritage New Zealand Pouhere Taonga	HH-P6	Retain HH-P6 as proposed.	3.8.4	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
326.213	Rolleston Industrial Developments Limited	HH-P6	Retain HH-P6 as notified.	3.8.4	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.8.4	Reject		No
HH-P7 Siting of infrastructure							
249.107	MainPower New Zealand Limited	HH-P7	Amend HH-P7: "Siting of infrastructure Ensure the siting of new infrastructure protects the heritage values of historic heritage listed in HH-SCHED2, taking into account the functional need or operational need for the siting of the infrastructure <u>while also recognising and providing for the maintenance, repair and upgrade of existing infrastructure.</u> "	3.8.5	Reject <u>Accept in part</u>	The requested amendment is not relevant to HH-P7 as the policy only applies to new infrastructure. EI-P1 provides for the relief sought by enabling and providing for existing infrastructure. In sensitive environments (e.g. historic heritage sites) energy and infrastructure is managed through EI-P5. I therefore consider the intent of the submission is already provided for through existing policies in the Historic	No <u>Yes</u>

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p>Heritage and Energy and Infrastructure Chapters.</p> <p>In response to the evidence presented at Hearing 5, I consider amendment to HH-P7 would be appropriate in order to provide for the maintenance, repair and upgrade of existing infrastructure whilst ensuring heritage values are protected. I recommend HH-P7 is amended as set out in Appendix 2 of this right of reply report.</p>	
62.42	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	HH-P7	Retain HH-P7 as notified.	3.8.5	Accept in part	<p>I agree with the submitter. See body of the report for the assessment of this submission point.</p> <p>HH-P7 is recommended to be amended in response to the MainPower submission [249.107].</p>	No
195.67	Transpower New Zealand Limited	HH-P7	Retain HH-P7 as notified.	3.8.5	Accept in part	<p>I agree with the submitter. See body of the report for the assessment of this submission point.</p> <p>HH-P7 is recommended to be amended in response to the MainPower submission [249.107].</p>	No
326.214	Rolleston Industrial Developments Limited	HH-P7	Retain HH-P7 as notified.	3.8.5	Accept in part	<p>I agree with the submitter. See body of the report for the assessment of this submission point.</p> <p>HH-P7 is recommended to be amended in response to the MainPower submission [249.107].</p>	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS137	Ohoka Residents Association		Reject the submission	3.8.5	Reject in part		No
373.51	KiwiRail Holdings Limited	HH-P7	Retain HH-P7 as notified.	3.8.5	Accept in part	I agree with the submitter. See body of the report for the assessment of this submission point. HH-P7 is recommended to be amended in response to the MainPower submission [249.107].	No
HH-P8 Demolition of listed historic heritage							
230.6	Concept Services	HH-P8	Amend HH-P8: "Avoid demolition of ' <u>Highly Significant</u> ' historic heritage listed in HH-SCHED2 unless; and manage demolition of ' <u>Significant</u> ' historic heritage, where: ..."	3.8.6	Reject	See body of the report for the assessment of this submission point.	No
FS115	Heritage NZ Pouhere Taonga		HNZPT OPPOSES the relief sought and requests the policy be adopted as notified.	3.8.6	Accept		No
326.215	Rolleston Industrial Developments Limited	HH-P8	Retain HH-P8 as notified.	3.8.6	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.8.6	Reject		No
Proposed New Policies							
178.18	Heritage New Zealand Pouhere Taonga	Policies - General	Amend to add a policy encouraging and enabling the use, development, and adaptive re-use of scheduled heritage items.	3.9	Accept in part	See body of the report for the assessment of this submission point. Additionally, I consider that adaptive re-use is already enabled through HH-P5 and a	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						<p>new separate policy for adaptive re-use would be unnecessarily repetitive. However, I recommend HH-P5 is amended to improve alignment of the policy with the ICOMOS New Zealand Charter 2010 and to reflect the intention of the policy more accurately within the title. The recommended amendment is set out in Appendix 2 of this right of reply report.</p>	
261.2	Michael Alexander de Hamel	Policies - General	<p>Amend to refer to Section 36AAB(1) of the Resource Management Act 1991, noting that Council may remit charges for applications which may have a positive effect on heritage and landscape values.</p> <p>Insert new policy to Historic Heritage Chapter, similar to SASM-P4, to maintain consistency and lead to the best outcomes for the District by enabling Council to contribute financial assistance towards the maintenance and preservation of heritage and landscape values:</p> <p><u>"HH-P9 Recognise the historic and contemporary values of heritage and landscape in the District and: facilitate opportunities to provide information about these values provide opportunities for these values to be recognised manage earthworks involving disturbance of soils in Heritage sites through the implementation of a Heritage New Zealand Pouhere Taonga authorised accidental discovery protocol and opportunity for cultural monitoring; assist with the maintenance, restoration or enhancement of Heritage items where an application is for an activity which will protect or enhance heritage, landscape or environmental values the Council will give consideration under Section 36AAB of the Act for a remission of any part of any charge that would otherwise be payable."</u></p>	3.9	Reject	See body of the report for the assessment of this submission point.	No
HH-R1 Maintenance or repair of any historic heritage item listed in HH-SCHED2							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
178.19	Heritage New Zealand Pouhere Taonga	HH-R1	Amend HH-R1: "... 1. the area any heritage fabric has been removed from shall be made weather tight;øf ..."	3.10.1	Accept	See body of the report for the assessment of this submission point.	Yes
367.22	Waimakariri District Council	HH-R1	Amend HH-R1: "... 4. <u>any activity other than painting</u> is undertaken in accordance with the design and/or supervision of a heritage professional or architect suitably qualified in heritage maintenance or repair."	3.10.1	Accept in part	See body of the report for the assessment of this submission point. Additionally, I consider that the rule as notified would impose an excessive financial burden on property owners and there are other maintenance or repair activities that ought to be exempt from HH-R1(4). I recommend this is amended through merging clause 3 with clause 4 as set out in Appendix 2 of this right of reply report. As a consequential amendment to this change, I also recommend a minor amendment to the definition of 'Maintenance or repair'.	Yes
326.216	Rolleston Industrial Developments Limited	HH-R1	Retain HH-R1 as notified.	3.10.1	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.1	Reject in part		No

HH-R2 Heritage investigative and temporary works of any historic heritage item listed in HH-SCHED2

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
178.20	Heritage New Zealand Pouhere Taonga	HH-R2	Amend to insert a link to the definition for 'recording' in relation to historic heritage.	3.10.2	Reject	See body of the report for the assessment of this submission point.	No
326.217	Rolleston Industrial Developments Limited	HH-R2	Retain HH-R2 as notified.	3.10.2	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.2	Reject		No
HH-R3 Construction of a structure, building or addition to a building within any historic heritage setting listed in HH-SCHED2							
62.43	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	HH-R3	Amend HH-R3 such that it is clearly identified that customer connections to buildings with heritage values are regulated under EI-R4 in the Energy and Infrastructure Chapter and not under HH-R3.	3.10.3	Reject	See body of the report for the assessment of this submission point.	No
178.21	Heritage New Zealand Pouhere Taonga	HH-R3	Amend to provide greater clarity.	3.10.3	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
249.108	MainPower New Zealand Limited	HH-R3	Amend HH-R3: "Where: 1. any structure or building or addition to a building is less than 10m ² in GFA and 2m in height; 2. the activity is necessary for the maintenance, repair and replacement of an existing car park, accessway, driveway or paved area <u>or installation of a customer electricity connection and associated infrastructure.</u> "	3.10.3	Reject	See body of the report for the assessment of this submission point.	No
326.218	Rolleston Industrial Developments Limited	HH-R3	Retain HH-R3 as notified.	3.10.3	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
						the report for the assessment of this submission point.	
FS137	Ohoka Residents Association		Reject the submission	3.10.3	Reject in part		No
FS117	Oxford Equity Ltd		That HH-R3 be amended to include the further matter of restricted discretion, " <u>HHMD6-Whether the retention of the heritage features or form of the listed structure, place, or object causes significant additional costs, or reduction in its range of likely uses</u> ". Any other relief consequential relief available as a result of this further submission.	3.10.3	Reject in part		No
HH-R4 Relocation of any historic heritage listed in HH-SCHED2 within its site or heritage setting							
367.52	Waimakariri District Council	HH-R4	Amend HH-R4 title: "Relocation of any historic heritage <u>item</u> listed in HH-SCHED2 within its site or heritage setting".	3.10.4	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
326.219	Rolleston Industrial Developments Limited	HH-R4	Retain HH-R4 as notified.	3.10.4	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.4	Reject in part		No
HH-R5 Alteration of or addition to historic heritage item listed in HH-SCHED2							
367.53	Waimakariri District Council	HH-R5	Amend HH-R5 title: "Alteration of or addition to <u>any</u> historic heritage item listed in HH-SCHED2".	3.10.5	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
249.109	MainPower New Zealand Limited	HH-R5	Retain HH-R5.	3.10.5	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
326.220	Rolleston Industrial Developments Limited	HH-R5	Retain HH-R5 as notified.	3.10.5	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.5	Reject in part		No
HH-R6 Relocation of 'Significant' (Category B) historic heritage listed in HH-SCHED2 beyond its site or heritage setting							
367.54	Waimakariri District Council	HH-R6	Amend the title of HH-R6: "Relocation of <u>any</u> 'Significant' (Category B) historic heritage <u>item</u> listed in HH-SCHED2 beyond its site or heritage setting".	3.10.6	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
326.221	Rolleston Industrial Developments Limited	HH-R6	Retain HH-R6 as notified.	3.10.6	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.6	Reject in part		No
HH-R7 Demolition of 'Significant' (Category B) historic heritage items listed in HH-SCHED2							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
367.55	Waimakariri District Council	HH-R7	Amend the title of HH-R7: "Demolition of <u>any</u> 'Significant' (Category B) historic heritage items listed in HH-SCHED2".	3.10.7	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
326.222	Rolleston Industrial Developments Limited	HH-R7	Retain HH-R7 as notified.	3.10.7	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.7	Reject in part		No
HH-R8 Relocation of 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2 beyond its site or heritage setting							
367.56	Waimakariri District Council	HH-R8	Amend the title of HH-R8: "Relocation of <u>any</u> 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2 beyond its site or heritage setting".	3.10.8	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
178.22	Heritage New Zealand Pouhere Taonga	HH-R8	Retain HH-R8 as proposed.	3.10.8	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
326.223	Rolleston Industrial Developments Limited	HH-R8	Retain HH-R8 as notified.	3.10.8	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS137	Ohoka Residents Association		Reject the submission	3.10.8	Reject in part		No
HH-R9 Demolition of 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2							
367.57	Waimakariri District Council	HH-R9	Amend the title of HH-R9: "Demolition of <u>any</u> 'Highly Significant' (Category A) historic heritage items listed in HH-SCHED2".	3.10.9	Accept	I agree with the submitter. See body of the report for the assessment of this submission point.	Yes
178.23	Heritage New Zealand Pouhere Taonga	HH-R9	Retain HH-R9 as proposed.	3.10.9	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
326.224	Rolleston Industrial Developments Limited	HH-R9	Retain HH-R9 as notified.	3.10.9	Accept in part	I agree with the submitter, subject to recommended amendments made in response to other submissions. See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.10.9	Reject in part		No
HH-AN2							
178.24	Heritage New Zealand Pouhere Taonga	Advice Notes - General	Amend HH-AN2: "If any activity associated with a project, including earthworks <u>within an archaeological site</u> , modifications to any pre-1900 structure, or demolition of any pre-1900 building, may modify, damage or destroy an archaeological site(s), an archaeological authority from HNZPT must be obtained for the work to proceed lawfully".	3.11.1	Reject <u>Accept in part</u>	See body of the report for the assessment of this submission point. <u>I consider that HH-AN2 should be amended to explain that in relation to archaeological sites, earthworks include gardening, cultivation and the disturbance of land for the installation of fence posts. This amendment is set out in Appendix 2 of this reply report.</u>	No <u>Yes</u>

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
HH-AN4							
178.25	Heritage New Zealand Pouhere Taonga	HH-AN1	Amend HH-AN4: "If an archaeological site is discovered, for example when conducting earthworks <u>within an archaeological site</u> , work that could affect the site should <u>must</u> be stopped and contact made with HNZPT for advice".	3.11.2	Accept in part	See body of the report for the assessment of this submission point. Additionally, I recommend HH-AN4 be amended to explain that works that could affect archaeological sites include gardening, cultivation, and the disturbance of land for the installation of fence posts. This amendment is set out in Appendix 2 of this reply report.	Yes
HH-MD1 Adverse effects on heritage values							
210.11	Waimakariri Irrigation Limited	HH-MD1	Retain HH-MD1 as notified.	N/A	Accept	I agree with the submitter.	No
249.110	MainPower New Zealand Limited	HH-MD1	Retain HH-MD1.	N/A	Accept	I agree with the submitter.	No
326.225	Rolleston Industrial Developments Limited	HH-MD1	Retain HH-MD1 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-MD2 Intervention and viability of historic heritage							
326.226	Rolleston Industrial Developments Limited	HH-MD2	Retain HH-MD2 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-MD3 Consultation							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.227	Rolleston Industrial Developments Limited	HH-MD3	Retain HH-MD3 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
178.26	Heritage New Zealand Pouhere Taonga	HH-MD3	Retain HH-MD3 as notified.	N/A		I agree with the submitter.	No
HH-MD4 Re-use and relocation							
326.228	Rolleston Industrial Developments Limited	HH-MD4	Retain HH-MD4 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-MD5 Mitigation measures							
326.229	Rolleston Industrial Developments Limited	HH-MD5	Retain HH-MD5 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission	N/A	Reject		No
HH-SCHED1 - Historic Heritage Significance Assessment Criteria							
178.27	Heritage New Zealand Pouhere Taonga	HH-SCHED1	Retain HH-SCHED1 as proposed.	N/A	Accept	I agree with the submitter.	No
Add, Delete or Amend Items on HH-SCHED2 – Historic Heritage Items							
408.14	Bellgrove Rangiora Ltd	Heritage Schedules	Delete the heritage area overlay for HH052. The extent of the heritage area will be modified as part of the Bellgrove Stage 1 development at 52 and 76 Kippenberger Avenue, and a site specific assessment will be undertaken to confirm the heritage	3.12	Accept in part	See body of the report for the assessment of this submission point.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			setting. Include criteria for evaluating a scheduled setting or open space around a heritage item.				
FS117	Oxford Equity Ltd		That part of Sub: 408.14 that seeks the arbitrary extent of the heritage setting for the Belgrove Farmhouse be removed to allow for a site specific heritage assessment be undertaken. Similarly, the arbitrary extension of the heritage setting for the Redwoods property being extended to the entirety of the property, be amended from what has been notified and the heritage listing of the Redwoods Property to remain as stated in the ODP as only the Redwoods building and buffer zone of two metres around the building. Any other relief consequential relief available as a result of this further submission.	3.12	Accept in part		No
FS37	Richard and Geoff Spark		Accept to the extent it supports the relief sought in the submission by R&G Spark, the intent of that submission and their interests. Any changes to the South East Rangiora Development Area provisions, including the SE Rangiora Development Plan which we consider are not appropriate or supportive of rezoning and development of the Spark land are opposed. Any changes are to be to our satisfaction.	3.12	Accept in part		No
151.1	Blair Williamson	HH-SCHED2	Delete HH098 from HH-SCHED2.	3.12	Accept	See body of the report for the assessment of this submission point.	Yes
154.1	Denise Lochhead	HH-SCHED2	Delete HH093 former Sefton Library from HH-SCHED2 as the heritage item status places challenges on the ability to sell the property, and in turn fund the proposed new Sefton Hall facility.	3.12	Reject	See body of the report for the assessment of this submission point.	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
155.3	Woodend-Sefton Community Board	HH-SCHED2	Delete former Sefton Library (HH093) from HH-SCHED2 in order to enable the funding of a new community hall for Sefton.	3.12	Reject	See body of the report for the assessment of this submission point.	Yes
235.1	Joanne Laphorne and Robert Hanna	HH-SCHED2	Delete Sefton Library (HH093) from HH-SCHED2.	3.12	Reject	See body of the report for the assessment of this submission point.	Yes
178.28	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to update HH001 HNZPT list number to 3677.	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.29	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Retain HH022, Former Kirk House, in HH-SCHED2 as proposed.	3.12	Accept	I agree with the submission.	No
178.30	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Retain HH023 in HH-SCHED2 as proposed.	3.12	Accept	I agree with the submission.	No
178.31	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Retain HH028 in HH-SCHED2 as proposed.	3.12	Accept	I agree with the submission.	No
178.32	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Retain HH041 in HH-SCHED2 as proposed.	3.12	Accept	I agree with the submission.	No
178.33	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Retain HH064 in HH-SCHED2 as proposed.	3.12	Accept	I agree with the submission.	No
178.34	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Tisbury Cottage (Category 2 Historic Place - list number 5271) as a heritage item.	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.35	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to include 367 High Street, Rangiora (Category 2 Historic Place - list number 3775).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.36	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to include 152 King Street, Rangiora (Category 2 Historic Place - list number 3778).	3.12	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
178.37	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add 16 Seddon Street, Rangiora (Category 2 Historic Place - list number 3781).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.38	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Doyle's Cob House, Loburn (Category 2 Historic Place - list number 1774).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.39	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Mairangi Homestead and Stables, Woodend (Category 2 Historic Place - list number 3076).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.40	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add 38 Ashley Street, Rangiora (Category 2 Historic Place - list number 3773).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.41	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Coldstream Orchard House (Category 2 Historic Place - list number 3792).	3.12	Reject	See body of the report for the assessment of this submission point.	No
178.42	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Ohoka Gate Keepers Lodge (Former) (Category 2 Historic Place - list number 3817).	3.12	Accept	See body of the report for the assessment of this submission point.	Yes
178.43	Heritage New Zealand Pouhere Taonga	HH-SCHED2	Amend HH-SCHED2 to add Pine Hill House at 211 Summerhill Road, Cust (Category 2 Historic Place, list number 5272).	3.12	Reject	See body of the report for the assessment of this submission point.	No
261.4	Michael Alexander de Hamel	HH-SCHED2	Not specified. [Submission summary: The description of HH036 (5 Meadow St) is inaccurate. Construction evidence dates the main part of the cottage to the early 1860s, the first part of the rear extension to the last decade of the 19th century, and the remainder to 1989, with no demolition. Note boundary adjustment made with 3 Meadow St approximately 15 years ago.]	3.12	Accept in part	See body of the report for the assessment of this submission point.	Yes
95.1	Rhonda Mather	General	Add 'Bob's Bridge' (the swingbridge over Lake Pegasus) and the Pou at the entrance to Pegasus Town to the heritage list to be protected and preserved for future generations. This protection	3.12	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			to include the areas around the bridge and pou and sightlines to ensure they remain visible and accessible.				
FS81	Templeton Group		Templeton Group opposes the introduction of heritage protection of the bridge insofar as it may affect development proposals by Templeton Group including sightlines. Templeton Group therefore seeks that submission point 95.1 at this stage is rejected.	3.12	Accept		No
147.6	Kaiapoi-Tuahiwi Community Board	General	Seeks listing of additional historic or cultural items of interest.	3.12	Accept in part	See body of the report for the assessment of this submission point.	No
155.14	Woodend-Sefton Community Board	General	Modern features and structures such as the Woodend War Memorial, Bob's Bridge in Pegasus, and the Pegasus Pou need recognition so that they can be protected as future historic heritage.	3.12	Reject	See body of the report for the assessment of this submission point.	No
FS81	Templeton Group		Templeton Group opposes the introduction of heritage protection of Bob's Bridge in Pegasus, insofar as it may affect development proposals and considers that sufficient evidence has not been presented to establish that this item qualifies as historic heritage. Templeton Group therefore seeks at this stage that submission point 155.14 is rejected.	3.12	Accept		No
General / Plan wide submissions							
284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules: " <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u> "	3.13	Reject	See body of the report for the assessment of this submission point.	No
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.13	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission	3.13	Accept		No
FS84	Ohoka Residents Association		Reject the submission	3.13	Accept		No
FS119	Andrea Marsden		Reject the submission	3.13	Accept		No
FS120	Christopher Marsden		Reject the submission	3.13	Accept		No
FS137	Ohoka Residents Association		Reject the submission	3.13	Accept		No
326.2	Rolleston Industrial Developments Limited	General	Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect: " <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u> "	3.13	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission	3.13	Accept		No
FS119	Andrea Marsden		Reject the submission	3.13	Accept		No
FS120	Christopher Marsden		Reject the submission	3.13	Accept		No
FS137	Ohoka Residents Association		Reject the submission	3.13	Accept		No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.13	Reject	See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission	3.13	Accept		No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission	3.13	Accept		No

Appendix 4 Section 32AA Evaluation

1. Overview and purpose

This evaluation is undertaken in accordance with section 32AA of the RMA. It examines the appropriateness of the recommended amendments to the objectives, policies and rules for the Historic Heritage chapter following the consideration of submissions received on the Proposed Plan.

This further evaluation should be read in conjunction with the S42A Report Historic Heritage and the Section 32 Report Historic Heritage prepared for the development of the Proposed Plan.

2. Recommended amendments

I have recommended a change to HH-O1 as a result of the Mainpower submission on the Proposed Plan and the MainPower evidence presented at Hearing Stream 5.

The recommendation on this provision is proposed to enhance alignment with s6(f) of the RMA. The recommended amendment to the objective framework in the Historic Heritage chapter will provide clearer direction on how historic heritage is to be used and managed in the District.

3. Statutory Tests

The District Council must ensure that prior to adopting an objective, policy, rule or other method in a district plan, that the proposed provisions meet the requirements of the RMA through an evaluation of matters outlined in Section 32.

In achieving the purpose of the RMA, the District Council must carry out a further evaluation under section 32AA if changes are made to a proposal as a result of the submissions and hearings process. This evaluation must cover all the matters in sections 32(1)-(4).

Objectives

The objectives are to be examined in relation to the extent to which they are the most appropriate way to achieve the purpose of the RMA.⁴¹ For the purposes of evaluation under section 32AA the following criteria form the basis for assessing the appropriateness of the proposed objectives:

- Relevance;
- Usefulness;
- Reasonableness; and

⁴¹ RMA s32(1)(a)

- Achievability.

Provisions

Each provision is to be examined as to whether it is the most appropriate method for achieving the objectives. For a proposed plan, the provisions are defined as the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan.⁴²

The examination must include assessing the efficiency and effectiveness (including costs and benefits of the environmental, economic, social, and cultural effects, quantified if practicable, and the risk of acting or not acting) and a summary of the reasons for deciding the provisions.

4. Evaluation of Recommended Amendment to the Objective

Objective HH-O1 is recommended to be amended as set out in **Appendix 2** of this right of reply report. The following table provides an evaluation of the recommended amendment to the objective.

Table 1: Recommended Amendment to HH-O1

Relevance	<p>Addresses a relevant resource management issue</p> <p>The amendment better aligns with the direction in s6(f) of the RMA to include the qualification that historic heritage is to be protected from inappropriate subdivision, use and development. Consequently, the amendment will also enhance alignment with the Canterbury Regional Policy Statement chapter 13 Historic Heritage.</p>
	<p>Assists the District Council to undertake its functions under s31</p> <p>The amendment enables Council to align its functions with the RMA direction for the protection of historic heritage.</p>
	<p>Gives effect to higher level documents</p> <p>This amendment enhances alignment with s6(f) of the RMA and the CRPS chapter 13 historic heritage by specifying the qualification to the protection of historic heritage.</p>
Usefulness	<p>Guides decision-making</p> <p>The amendment better guides decision makers as it clearly sets out the qualification to the protection of historic heritage as the notified objective was not sufficiently clear in this direction.</p>

⁴² RMS s32(6)(a)

Reasonableness	<p>Will not impose unjustifiably high costs on the community / parts of the community</p> <p>The amendment will enhance clarity and therefore may reduce the potential for litigation over the intention and implementation of the objective. Therefore the recommended amendment will reduce potential costs on the community.</p>
	<p>Acceptable level of uncertainty and risk</p> <p>The Natural and Built Environments Act 2023 (NBE) is now operative and therefore consideration of the Act is necessary. The RMA still applies during the 7 – 10 year transitional phase and section 6(f) is still applicable. Under the NBE Act, ‘historic heritage’ is replaced by ‘cultural heritage’ and is a System Outcome to be protected, or if degraded, restored under section 6(2)(d). ‘Cultural heritage’ in the NBE Act has the same meaning as ‘historic heritage’ under the RMA. I therefore consider there is minimal uncertainty or risk arising from the recommended amendment to HH-O1.</p>
Achievability	<p>Consistent with identified tangata whenua and community outcomes</p> <p>The amendment does not affect the identified tāngata whenua and community outcome values within the proposed plan.</p>
	<p>Realistically able to be achieved within the District Council’s powers, skills and resources</p> <p>The recommended amendment provides clarity leading to more efficient decision making and outcomes under the District Plan.</p>
Conclusion	<p>The recommended amendment to HH-O1 is the most appropriate way to achieve the purpose of the RMA in relation to historic heritage and is consistent with the outcomes of sustainable management.</p>

Overall, the recommended amendment proposed to the objective provides greater clarity of the outcomes sought to be achieved. For the purposes of sections 32 and 32AA, I consider that the revised objective is the most appropriate way of achieving the purpose of the RMA.

5. Adequacy of Information and Risk of Acting or Not Acting

Section 32(2)(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.

A submission has raised an issue in the objective that needs to be addressed to provide clarity to the historic heritage objective in the Proposed Plan. If no action is taken and the Proposed Plan is retained as notified, it could cause confusion and may result in a lack of consistent interpretation and implementation of the Proposed Plan and associated increased costs involved with the processing of resource consents.

After reviewing the Historic Heritage provisions of the Proposed Plan and considering the submissions on these provisions, I consider there is sufficient information on which to base the recommended revised objective.

6. Conclusion

I have evaluated the recommended amendment to the objective to determine the extent to which the objective is the most appropriate way of achieving the purpose of the RMA and otherwise to give effect to higher order planning documents. I have also evaluated the recommended amendments to the proposed provisions, including the efficiency and effectiveness of the provisions in achieving the proposed objective. I consider the proposed objective as recommended to be amended is an appropriate way of achieving the purpose of the RMA and the recommended changes to provisions are the most appropriate means of achieving the objectives.

Appendix 5 Buddle Findlay legal advice

25 October 2023

To

Matt Bacon
Development Planning Manager
Waimakariri District Council

And to

Bryony Steven

From

Jenna Silcock
Elizabeth Everingham

By Email

matthew.bacon@wmk.govt.nz
bryony.steven@wmk.govt.nz

Dear Matt and Bryony

Advice on further submission by Oxford Equity Limited

1. You have sought legal advice in respect of the further submission by Oxford Equity Limited (**OEL**) on the Proposed Waimakariri District Plan (**Proposed Plan**). OEL's further submission supports the original submission by Bellgrove Rangiora Limited (**Bellgrove**)¹ (408.14) relating to HH052-HHSCHED2 Belgrove Farmhouse and seeks relief in relation to HH050-HHSCHED2 – 'Currilea', former Ingram house (aka 'Redwoods') (**Redwoods**) and supports and opposes various submissions on the heritage provisions in the Proposed Plan. OEL is not pursuing the other relief on the heritage provisions.² Accordingly, the outstanding scope issue that is the subject of this advice relates to the historic heritage listing for Redwoods.
2. The Council's s42A report for the Taonga o Onamata – Historic Heritage Chapter (**HH Chapter**) addresses OEL's further submission relating to Redwoods, with the Council officer concluding that the changes are out of scope.
3. OEL filed legal submissions which address (inter alia) the scope issue and conclude that OEL's requested relief in relation to the overlay mapping for Redwoods is "*within scope of the submission ... by way of being a consequential amendment in terms of mapping approach.*"³
4. The Hearings Panel has requested that Council's s42A officer advise, having considered the legal submissions and evidence from OEL, whether there is scope for the amendments sought by OEL.⁴
5. We understand our advice will inform your response to the Hearings Panel on whether there is scope to grant the relief sought in OEL's further submission on the historic heritage listing for Redwoods.

¹ Submission #408, submission point 408.14.

² Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023 at [5].

³ Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023 at [35].

⁴ Minute 9 dated 4 September 2023, Appendix 2.

Executive summary

6. A further submission can only support or oppose an original submission. Accordingly, OEL's further submission can only support or oppose Bellgrove's submission. We consider that OEL's further submission is outside the scope of Bellgrove's original submission, which was specific to Belgrove Farmhouse.
7. The relief sought by OEL cannot properly be categorised as a consequential amendment to Bellgrove's submission. The proposed amendment to the Redwoods historic heritage item is not an *"amendment which flows naturally and inevitably from the change that is sought."*⁵
8. OEL's further submission is seeking a substantive change in circumstances where there is no opportunity for persons who may be interested in the relief to participate in the decision-making process. If OEL's further submission was allowed the legislative intent of the submission and further submission process and the participatory nature of the RMA would potentially be undermined.

Background

9. OEL is the owner of at 17 Main Street, Oxford (**Property**). There is an historic dwelling located on the Property, known as 'Redwoods' or 'Currilea'. The dwelling is a Category 2 Heritage Item entered on Heritage New Zealand Pouhere Toanga's New Zealand Heritage List.
10. OEL engaged with the Council prior to notification of the Proposed Plan regarding the Property, including the heritage setting.
11. OEL sought to lodge a late original submission on the PDP 76 days after the submission period closed. The Council did not accept OEL's late submission.
12. On 17 November 2022, OEL lodged a further submission on the Proposed Plan.⁶ The relevant further submission relates to Bellgrove's submission⁷ regarding the heritage listing for the Belgrove Farmhouse (HH052). Bellgrove's submission sought:⁸

... that the extent of the heritage area for HH052 (Belgrove Farmhouse) be modified to reflect the changes proposed as part of the BRL's Stage 1 development, and amendments to the matters of discretion. ...
13. Bellgrove's submission then went on to seek that the heritage area overlay for Belgrove Farmhouse be removed. This was to *"enable a site specific assessment to be undertaken for the area to confirm the Belgrove setting and ensure that the 'area' extent does not fall down on any newly created residential lots surrounding the homestead."*⁹
14. Bellgrove's submission also sought *"such other relief as may be required to give effect to this submission including alternative, consequential or necessary amendments ... that address the matters raised by BRL."*¹⁰

⁵ *Gertrude's Saddlery Limited v Queenstown Lakes District Council* [2020] NZHC 3387 at [99].

⁶ Further submission #117.

⁷ Submission #408, submission point 408.14.

⁸ Submission #408, paragraph 22.

⁹ See Attachment 2: Submission Table "Historic Heritage – Taonga o onamata (HH)" at pages 16-17 of submission #408.

¹⁰ Submission #408, paragraph 32.

15. OEL's further submission:
- (a) Supports Bellgrove's original submission "*408.15 that the extent of the heritage setting for HH052-HHSCHED2 'Belgrove Farmhouse' is arbitrary, not justified by an appropriate section 32 Resource Management Act 1991 (RMA) analysis and is open to interpretation as to the criteria and relevance of the setting.*"¹¹
 - (b) Seeks:¹²
 - (i) "*That part of Sub: 408.14 that seeks the arbitrary extent of the heritage setting for the Belgrove Farmhouse be removed to allow for a site specific heritage assessment be undertaken.*"
 - (ii) "*Similarly, the arbitrary extension of the heritage setting for the Redwoods property being extended to the entirety of the property, be amended from what has been notified and the heritage listing of the Redwoods Property to remain as stated in the ODP as only the Redwoods building and buffer zone of two metres around the building.*"
 - (iii) Any other consequential relief available.
16. The reasons for supporting Bellgrove's submission include that the "*same arbitrary extent of the heritage listing for the Belgrove Farmhouse in the PDP, has similarly been applied to the extent of the heritage listing of the Redwoods Property HH050-HHSCHED2 in the PDP.*"
17. As noted above, the s42A report for the HH Chapter concluded that the relief sought by OEL was out of scope. Appendix C to that report compares OEL's further submission and the original submissions to which it relates and an assessment on scope.
18. OEL has filed legal submissions in support of its submission on the HH Chapter.¹³ OEL's legal submissions focus on the requested relief in respect of Redwoods, responding to the scope issues raised by the s42A Officer's Report.¹⁴ OEL's legal submissions conclude that OEL's requested relief to the overlay mapping is within scope of the submission made by Bellgrove on the PDP by way of being a consequential amendment in terms of mapping approach.¹⁵

Summary of relief sought by OEL's Further Submission

19. OEL's further submission supports Bellgrove's submission seeking to reduce the extent of the heritage setting for *Belgrove Farmhouse*. It then seeks to rely on some of the reasons in Bellgrove's submission supporting the relief sought for Belgrove Farmhouse as a basis for seeking an amendment to the extent of the heritage setting for *Redwoods* in circumstances where:
- (a) OEL has not lodged an original submission;

¹¹ Further submission #117, paragraph 7.

¹² Paragraph 10.

¹³ Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023.

¹⁴ Section 42A Officer's Report at [392]-[393] and in Appendix C (at page 99).

¹⁵ Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023 at [35.1].

- (b) Bellgrove's submission addresses Belgrove Farmhouse's historic heritage listing with the relief sought ultimately being the removal of the heritage listing (rather than just a reduction in extent in the heritage listing).
- (c) Bellgrove's submission does not address the heritage listing in relation to Redwoods or more generally (i.e. the submission does not say all heritage listings / settings should be assessed having regard to the same criteria as Belgrove Farmhouse).

The law on scope of further submissions

- 20. Clause 8, Schedule 1 of the RMA provides for the right to make further submissions on a proposed plan. Further submissions on the Proposed Plan could be lodged by any person representing a relevant aspect of the public interest, any person that has an interest in the proposed policy statement or plan greater than the interest that the general public has and the local authority itself.¹⁶
- 21. Clause 8(2) of the Schedule 1 to the RMA defines the scope of further submissions. It provides:
A further submission ... must be limited to a matter in support of or in opposition to the relevant submission made under clause 6 or 6A.
- 22. The right to make further submissions is limited. The Planning Tribunal and the Environment Court have confirmed that the effect of clause 8(2) is that a further submission cannot extend the scope of the original submission which it supports or opposes. It can only seek allowance or disallowance (in whole or in part) of the original submission.¹⁷
- 23. The Court in *Hilder v Otago Regional Council*¹⁸ summarised the reasons for the scope limitation of further submissions as follows:
The submission and further submission procedure is designed to ensure there is full and widespread public knowledge of any proposal to amend a publicly notified plan so that further submissions can be lodged either in support of or in opposition to such a proposal. If Mr Hilder's further submission were to be allowed this legislative intent would be undermined because there would be no opportunity for any further submission in opposition to the relief sought. No doubt this is why Form 3A is drawn in the way set out in the Act. In effect, Mr Hilder was not seeking to oppose the submission of Careys Bay Association incorporated at all. Rather, he was seeking to introduce a new provision into the plan.
- 24. OEL further submission can only support or oppose the original submission by Bellgrove in relation to Belgrove Farmhouse. We consider that OEL's further submission seeks to extend the scope of Bellgrove's submission so as to apply to a new and distinct heritage listing for Redwoods.

Scope and consequential amendments

- 25. OEL contends that the relief sought is within the scope of Bellgrove's original submission as a consequential amendment. OEL submits that Council's s42A report has not considered the role of consequential relief in providing scope and, if it had, the Council would have reached a different conclusion on the relief sought by OEL. OEL's legal submissions also summarise the legal

¹⁶ Clause 8(1) of Schedule 1 of the RMA.

¹⁷ See for example, *Offenberger v Masterton District Council* W53/96, 16 May 1996 (Planning Tribunal); *Telecom NZ Limited v Waikato District Council* A074/97, 4 July 1997 (Environment Court).

¹⁸ *Hilder v Otago Regional Council* C122/97, 26 November 1997 (Environment Court).

principles applicable to scope generally and when considering "*whether a further submission goes beyond what was fairly and reasonably raised in submissions.*"¹⁹

26. We generally agree with the summary of principles, as relevant to determining whether the relief sought is fairly and reasonably within scope of a plan change or appeal in the context of applying established legal tests.²⁰ The principles identified are largely derived from cases where the Court was determining the scope of submissions on a plan change or appeals, rather than further submissions. This is important because of the different processes for submissions and further submissions in the RMA, particularly the lack of provision for further public participation following lodgement of further submissions.
27. We would also add the following:
- (a) The fundamental principle is that the Court cannot permit a planning instrument to be amended without those potentially affected by it being given a real opportunity to comment on it, should they choose to do so.²¹ In *Motor Machinist Kos J* observed that a very careful approach must be taken to the extent to which a submission satisfies both limbs of the *Clearwater* test and emphasised the "*importance of protecting the interests of people and communities from submissional side-winds.*"²² In that case, the "*absence of direct notification was noted as a significant factor, reinforcing the need for caution in monitoring the jurisdictional gateway for further submissions.*"²³
 - (b) Approaching the question of scope in a realistic and workable fashion is "*intended to enable public participation in the RMA process.*"²⁴
28. The law regarding consequential amendments was considered by the High Court in *Gertrude's Saddlery Limited v Queenstown Lakes District Council*. In that case, Justice Dunningham said:²⁵

...In *Albany North Landowners v Auckland Council*, the High Court determined that the test for scope to make consequential amendments is that the amendments are "necessary and desirable" and "foreseen as a direct or otherwise logical consequence of a submission".²⁶ I consider the same test must apply if the reference to a submission is a reference to an appeal. "Consequential amendments" generally include uncontested matters, such as amending planning maps to reflect the substantive change that is sought. It is an amendment which flows naturally and inevitably from the change that is sought. Again, this reflects the natural justice considerations that underpin the principle of scope.²⁷

Is there scope to grant the relief sought OEL?

29. We do not consider the relief sought and being pursued by OEL for Redwoods can be said to be "necessary and desirable" and/or "foreseen as a direct or other logical consequence" of Bellgrove's

¹⁹ Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023 at [18].

²⁰ See for example *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 at [90]; *Clearwater Resort Limited v Christchurch City Council* HC Christchurch AP34/02, 14 March 2003.

²¹ *The Church of Jesus Christ Latter Day Saints Trust Board v Hamilton City Council* [2015] NZEnvC 166 at [22] citing *Royal Forest and Bird Protection Society v Southland District Council* [1997] NZRMA 408.

²² *Palmerston North City Council v Motor Machinists Limited* [2013] NZHC 1290 as cited with support in *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [126].

²³ *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [126] citing *Motor Machinists* at [43].

²⁴ *Gertrude's Saddlery Limited v Queenstown Lakes District Council* [2020] NZHC 3387 at [63].

²⁵ *Gertrude's Saddlery Limited v Queenstown Lakes District Council* [2020] NZHC 3387 at [99].

²⁶ The decision cites *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [108].

²⁷ *Ibid* at [107].

submission such that it can be classified as a consequential amendment. OEL's submission is seeking to apply the reasons for relief sought for Bellgrove Farmhouse to a different and distinct heritage item. The relief being pursued by OEL is akin to a spot rezoning on land which does not have any geographical or other apparent logical connection. We have not identified any case law which would support such relief being within scope as a consequential amendment, or otherwise.

30. In our view, OEL is seeking to make a substantive, rather than consequential, change in reliance on its further submission on Bellgrove's submission. The relief being pursued may result in a "submissional side-wind". There is a real risk that people who may be interested in the relief sought by OEL in respect of Redwoods have been denied an opportunity to engage on the changes in the Proposed Plan process. To conclude the relief sought is within scope potentially gives rise to unfairness.
31. We are not satisfied that the High Court's decision in the *Albany North* decision supports the submission that consequential changes can occur "laterally" in this context.²⁸ Firstly, the legislative context is different, with the Auckland Independent Hearings Panel (**IHP**) having the power to make out of scope changes. While the High Court endorsed the IHP's approach of making some spatial changes as consequential amendments, we understood those changes to generally relate to neighbouring properties in circumstances where there were original submissions which supported the ultimate relief in a general sense (ie upzoning whole areas rather than site specific submissions that were sought to be relied on for other properties) or where the changes were a logical extension of the relief sought on neighbouring land. It is also evident from the quote in OEL's legal submissions that in doing so the IHP also emphasised the importance of various real opportunities for public participation and applied the "reasonably foreseen logical consequence test"²⁹. We do not consider that test is met in the circumstances and there is no opportunity for further public participation because the relief is raised in a further submission.

Concluding comments

32. We trust the above is of assistance in responding to the Hearing Panel's questions regarding the scope to grant the relief sought by OEL. Please do not hesitate to contact us if you have any questions or require anything further.

Yours sincerely



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²⁸ Legal submissions on behalf of Oxford Equity Limited (Submitter ID FS-117) dated 14 August 2023 at [23] to [24].

²⁹ As coined in *Albany North Landowners v Auckland Council* [2017] NZHC 138 at [98].