

# Section 32 Report

## Taonga o onamata/ Historic Heritage

prepared for the

# Proposed Waimakariri District Plan

18 September 2021



**WAIMAKARIRI**  
DISTRICT COUNCIL

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	4
<b>2. OVERVIEW AND PURPOSE .....</b>	<b>4</b>
2.1 Purpose of Section 32 RMA.....	4
2.2 Topic Description.....	5
2.4 Current Objectives, Policies and Methods .....	6
2.5 Information and Analysis.....	7
2.6 Consultation Undertaken.....	9
2.7 Iwi Authority Advice.....	10
2.8 Reference to Other Relevant Evaluations .....	10
<b>3. STATUTORY AND POLICY CONTEXT .....</b>	<b>11</b>
3.1 Resource Management Act 1991.....	11
3.1.2 Section 7 .....	12
3.1.3 Section 8 .....	12
3.2 National Instruments .....	12
3.2.1 National Planning Standards .....	13
3.3 Regional policy statement and plans.....	14
3.4 Iwi Management Plan .....	17
3.5 Any relevant management plans and strategies.....	17
3.6 Any other relevant legislation or regulations .....	18
3.7 Any plans of adjacent or other territorial authorities .....	19
<b>4. KEY RESOURCE MANAGEMENT ISSUES .....</b>	<b>20</b>
<b>5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS .....</b>	<b>21</b>
5.1 Strategic Direction.....	21
5.2 Zone / District-wide Subject .....	21
5.3 Proposed Objectives and Policies.....	21
5.4 Proposed Methods .....	23
<b>6. SCALE AND SIGNIFICANCE EVALUATION .....</b>	<b>24</b>
6.1 Evaluation of Scale and Significance.....	25
<b>7. EVALUATION OF PROPOSED OBJECTIVES.....</b>	<b>26</b>
7.1 Evaluation of Proposed Objectives.....	26
7.2 Summary - Evaluation of Proposed Objectives .....	28
<b>8. EVALUATION OF PROPOSED POLICIES AND METHODS .....</b>	<b>28</b>
8.1 Evaluation of Proposed Policies and Methods.....	29

**8.2 Summary - Evaluation of Proposed Policies and Methods..... 37**  
**9. SUMMARY ..... 37**

# EXECUTIVE SUMMARY

Heritage buildings and items, wāhi taonga/sites of significance to Māori and archaeological sites provide historical, social and cultural context to the District and provide a link to human settlement in the past. It is important to protect them from damage or loss from land use, subdivision and development.

This report sets out the statutory and policy context for historic heritage, the key resource management issues, specific consultation and the approach used for the proposed provisions. The report also includes a review of the Operative District Plan provisions and an evaluation of alternative methods that can be used to achieve the purpose of the Resource Management Act 1991 (RMA).

Historic Heritage includes identified heritage buildings and items (including settings), and archaeological sites. Sites and areas of significance to Māori are addressed in a separate section 32 report and the primary role of Heritage New Zealand in managing archaeological sites is recognised and not duplicated in the Proposed Plan. There is also a separate section 32 report for notable trees, which may also have a heritage component. This reflects the 2019 National Planning Standards requirement for separate chapters for these matters.

The main issues identified for heritage are:

1. Activities that alter or remove historic heritage can lead to the loss of tangible connections to the community's social, cultural and economic past and affect the District's sense of identity, as well as amenity values and the character of the environment.
2. The ability for landowners to use their property for anticipated uses whilst protecting the identified historic heritage item and its heritage values.

To address these issues the following key changes are proposed:

- Objectives and policies for historic heritage strengthen recognition of heritage as a matter of national importance, compared to the Operative District Plan.
- Proposed rules for heritage buildings and items reflect issues and policy directions that have emerged since adoption of the Operative District Plan.
- Updated criteria for the heritage status assessment of buildings and items for protection.
- An updated schedule of heritage items.

The provisions of the Proposed Plan will provide increased protection of a greater number of heritage buildings and items with recognition of heritage settings. The provisions specifically recognise that the activity status may differ for different activities relating to heritage items, which is a shift away from the single activity status applied to all activities within the Operative District Plan. It is envisaged that the schedule of listed items will evolve over the life of the Proposed District Plan.

## 2. OVERVIEW AND PURPOSE

### 2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the Resource Management Act 1991 (RMA) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

## 2.2 Topic Description

Section 6(f) of the RMA directs Council to protect historic heritage from inappropriate subdivision, use and development, which will be one way in which to promote the sustainable management of physical resources. An absence of protection leaves the heritage item vulnerable to demolition or detrimental additions, alterations or maintenance and it may not be sustained for the benefit of future generations.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) promotes the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand, and is administered by Heritage New Zealand (HNZ). It is important that Council works with HNZ as many items are listed under the HNZPTA as well as by the Operative and Proposed Plans as a means to giving effect to the RMA.

The National Planning Standards also identify how historic items should be addressed in a district plan, where these have been identified. The Canterbury Regional Policy Statement (CRPS) also influences the identification and scheduling of heritage items within the Proposed District Plan.

The proposed provisions identify and enable activities where effects on historic heritage can be managed, and those where further assessment through resource consent will be required. This approach will limit activities being unnecessarily restricted by application of District Plan provisions. The proposed provisions identify two categories of heritage significance and emphasise the need to control demolition in order to address the requirements under the RMA.

The interior of heritage buildings are not specifically addressed, although the Plan could address any significant interiors that are subsequently identified, and these could be included at a later date. At present there is insufficient information on the significance of building interiors to include blanket coverage and it is noted that the absence of information on the detail and value of the interior of buildings led to the Independent Hearings Panel for the review of the Christchurch District Plan only including interiors of Council buildings, and only where the detail was specified, unless the whole of the interior was deemed to be of value.

## 2.3 Significance of this Topic

The protection of the District's historic heritage is significant and required by the RMA, s6(f). This recognises that the heritage resource is limited and the inability to replace heritage structures if they

are destroyed. The value of heritage resources for the community includes visual, social and cultural aspects and provides links to the history of settlement and activities that have occurred in the District.

The topic also recognises that while there are many benefits for the community from retaining historic heritage resources, these resources are largely in private ownership and continue to be used for a variety of purposes. Private landowners may have concern with the proposed restrictions should they wish to undertake activities that require resource consent. In many cases the restrictions will have little effect on the day-to-day operation of businesses and residences.

The settings within which historic heritage items are located can also be significant to the values of the listed heritage item, and are recognised in the assessment of this topic.

## 2.4 Current Objectives, Policies and Methods

The Operative District Plan is an effects-based plan that includes district-wide methods and site or zone specific provisions. Objectives and policies are in a separate chapter from the rules, and group a range of effects matters that relate to historic heritage in Chapter 9 (objectives and policies) and Chapter 28 (Rules), but recognise the inter-relationships with other chapters.

Chapter 2 (Maori) separates Maori archaeological and cultural heritage from the protection of heritage buildings in Chapter 9. This separation recognises that the effects on Maori heritage and values is an assessment that should be carried out on all subdivision and development, which is reflected in the objectives and policies of Chapter 2. In contrast, Chapters 9 and 28 of the Operative District Plan address the adverse effects on the heritage values of specific sites.

The Waimakariri District Plan became operative in November 2005. Subsequent changes to the Operative District Plan were introduced in response to actions for Waimakariri District under the Land Use Recovery Plan 2013, including new provisions for earthquake stabilisation.

The provisions relating to earthquake stabilisation were introduced after the Canterbury Earthquakes. LURP (Action 4) facilitated necessary work following the earthquakes and avoided unnecessary resource consents otherwise required under District Plan Rule 28.2.1 for any alteration (or demolition), other than a minor alteration, of a heritage item.

Plan Change 24 (PC 24) to the Operative Plan was proposed to update the listing of buildings, sites and places within the Operative District Plan and update provisions for exemptions recognising the effects of the Canterbury Earthquakes on heritage items and to align with HNZ register of historic places. This was commenced in November 2009 but was not completed or publicly notified.

### 2.4.1 Operative District Plan Provisions

The Operative Plan rule framework provides for all land use activities and subdivision involving identified heritage items as a restricted discretionary in the first instance. This excludes 'minor alteration' which is defined as:

*"... in relation to heritage resources means the small scale repair of any structure by painting, patching, piecing-in, splicing and consolidating existing materials; including the replacement of minor components such as individual blocks, cut-stone, timber sections, tiles and slates, where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, form, appearance and design as the original it replaces. Work on the interior of a structure or its surrounding site is also considered*

*a minor alteration unless the interior or site surround is specifically identified in Appendix 28.1.”.*

The key rules of the Operative Plan are as follows:

<b>Historic Heritage: Key rules (Operative Plan)</b>		
<b>Topic</b>	<b>Summary</b>	<b>Related Rules</b>
Permitted activities	Criteria for being a permitted activity	28.1
Earthquake stabilisation	Where necessary to remove threats where recommended by detailed engineering investigation	28.1.1
Discretionary Restricted activity	Modifying or demolishing	28.2.1
Discretionary Restricted activity	Subdivision of site of heritage resource	28.2.2
Heritage list	Heritage Resource List	Appendix 28.1

These rules link to an objective and policy set that seeks to:

- recognise and protect heritage sites, structures, places and areas (Objective 9.1.1.);
- avoid demolition, relocation or inappropriate modification of sites, structures, places and areas listed in Appendix 28.1 (Policy 9.1.1.4); and
- a set of non-regulatory provisions (Policies 9.1.1.2 and 9.1.1.3).

## 2.5 Information and Analysis

**Table 1 – List of Relevant Background Assessments and Reports**

<b>Title</b>	<b>Author</b>
District Plan Effectiveness Review	<i>Waimakariri District Council, October 2016</i>
<b>Description of Reports</b>	
<p>An assessment of District Plan effectiveness was undertaken as an early step to identify issues and gaps for the District Plan Review. The review included an assessment of resource consent applications and conditions for a variety of topics, other methods used to manage activities outside the District Plan and a range of internal and external policy and legislative influences.</p> <p>The review identified a number of matters for the Proposed District Plan to address in relation to historic heritage:</p> <ol style="list-style-type: none"> <li>1. Consider reviewing objectives and policies and the Anticipated Environmental Results (AERs, noting there are only two AERs in the Plan) to include all relevant aspects of heritage management and protection e.g. cultural heritage mapping.</li> <li>2. Update and revise the Heritage Resource List (Appendix 28.1), in conjunction with objectives and policies, noting that there are no areas or sites specifically identified.</li> <li>3. Methods may require review in relation to any new legislative or policy direction such as the Regional Policy Statement (2013; RPS).</li> </ol>	

4. Review of the provisions for the management of sites following the removal of the heritage item to ensure that only those sites which have heritage significance in their own right require resource consent assessment.
5. Investigate the accidental discovery protocol listed in the Iwi Management Plan (IMP) in relation to possibilities for integration between this protocol and the District Plan requirements.
6. Clarification of the provisions for removal of structures damaged by fire or natural hazards is recommended to clarify the intent of the plan in these situations. The extent of any damage could be included within this review.
7. The review could consider the extent to which adaptive reuse of heritage items can be provided for within the plan, and the effects of relocation upon heritage buildings or structures and their sites.
8. Review of the Heritage New Zealand Pouhere Taonga Act 2014 and the RPS provisions is recommended for consistency/duplication.
9. Recent changes through the Land Use Recovery Plan (LURP) allowed for work to be carried out to stabilise structures, but it is not clear whether this explicitly allows for the removal of the structure.
10. Consider the best method for community consultation and property owner consultation for heritage assist and effects from listing.

Title	Author
Waimakariri District Council Review – Built Heritage Assessments	<i>Dr Ann McEwan</i> <i>Heritage Consultancy Services, 2019</i>
<b>Description of Reports</b>	
<p>Dr Ann McEwan was commissioned to provide an assessment of existing and nominated heritage items for potential listing in the Proposed District Plan. The assessment was based on those matters set out in the RPS that identify heritage values.</p> <p>The public nomination process was undertaken in mid-2019, closing in August 2019, to assist in identifying any new heritage items for review.</p>	

Other information or technical standards considered are:

### **2.5.1 Draft Plan Change 24 (Waimakariri District Plan)**

The Draft Plan Change (not notified) was prepared in 2009/10 together with a section 32 assessment. PC 24 sought to update the listing of buildings, sites and places within the Operative District Plan and update provisions for exemptions recognising the effects of the Canterbury Earthquakes, and to align with the HNZ register of places. This previous work has been reviewed and those provisions that are relevant and meet the necessary assessment, have been included in the Proposed District Plan.

### **2.5.2 The New Zealand Heritage List/Rārangi Kōrero (Heritage New Zealand Pouhere Taonga Act 2014)**

Buildings and items on this list have been assessed for potential inclusion (by Heritage Consultancy Services). HNZ maintains a list of historic and archaeological sites which the Council must have regard to under section 74(2)(b)(iia) of the RMA. The 2014 Act provides explicit protection for archaeological sites, whether listed or unlisted, from modification and destruction. The Act does not protect other



heritage sites, and instead relies on local authorities to implement regulations and policies that protect these.

The historic heritage list maintained by HNZ is comprised of buildings and structures with heritage values. This list is separated into two categories; Category 1 containing those features with the highest heritage value; and Category 2 containing those of lesser value. This allows for a tiered level of policies and rules in a district plan, that reflect the heritage categorisation.

## **2.6 Consultation Undertaken**

Consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Feedback from consultation relevant to the Historic Heritage Chapter and provisions is contained in Appendix One: Specific Consultation Comments and Response, and is summarised below:

### **2.6.1 Summary of feedback:**

#### **2.6.1.1 Issues and Options 'Heritage and Open Space' September 2017**

Comments supported a high level of protection for built heritage, heritage settings and sought an updated assessment of heritage resources and advice on appropriate District Plan provisions.

#### **2.6.1.2 Heritage site and Building Nominations 2019**

Nominations were reviewed by Dr Ann McEwan, who made expert recommendations as to inclusion into the Proposed District Plan list.

#### **2.6.1.3 'What's the Plan?' Consultation**

This consultation asked: 'How much protection, more or less, do we need for our historic heritage?' Twelve respondents provided comments relevant to this question.

The majority of respondents favoured greater protection for heritage, which included both trees and buildings. In relation to buildings, respondents wanted consideration of private property rights and more support for landowners (e.g., through a heritage fund). Two respondents also wanted future heritage or features of future heritage identified pre-emptively.

Five extra potentially notable trees were identified and these were subsequently assessed by the Council's heritage consultant, however no heritage values could be established and these trees were not included within the Notable Trees Schedule (September 2019).

#### **2.6.1.4 Consultation with Owners of Identified Heritage Sites (July 2020)**

Owners of sites with existing or newly identified heritage items were contacted about the proposed listing of their site in the heritage schedule. Several enquiries, and one objection to the proposed listing were received, and information on the RMA process was provided.

#### **2.6.1.5 Heritage New Zealand (HNZ)**

HNZ provided early comment on draft provisions and more detailed comments in December 2019. The following were identified:

- a. include a clear explanation of historic heritage, its identification, assessment and the scope of what is included;
- b. use the Canterbury Regional Policy Statement criteria and a two-tier approach for historic heritage significance;
- c. an additional policy for historic heritage in relation to criteria and significance thresholds be included in the historic heritage schedule;
- d. clarify the role of HNZ in regulating works for archaeological sites;
- e. concentrate on protecting the part of the building that is listed for protection and recognise and provide for adaptive reuse;
- f. include permissive rules for safety and Earthquake upgrades;
- g. identify activity status clearly for activities; and
- h. recognise that there are some situations where demolition may be justified and provide for assessment through resource consent that reflects the significance of the building.

#### **2.6.1.6 Landmarks, December 2019.**

Landmarks, who are a committee that is a partnership between the Waimakariri District Council, Rangiora and Districts Early Records Society and the Kaiapoi District Historical Society, reviewed and commented on the draft schedule of items for inclusion in the Proposed District Plan, and noted some amendment to descriptions for accuracy, and some potential buildings that could be included.

## **2.7 Iwi Authority Advice**

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan. Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. This section summarises the consultation feedback/advice received from the iwi authority relevant to Historic Heritage and the District Council's consideration of, and response to (as required by Section 32(4A)(b) of the RMA), that feedback/advice.

Advice on the Draft Historic Heritage Chapter was received from Mahaanui Kurataiao Limited in April 2020. The first comment related to Policy HH-P4: Archaeological Sites and requested specific reference to Ngāi Tūāhuriri Rūnanga. That change was made. The other was to an advice note that set out the Accidental Discovery Protocol and ensuring the involvement of the Rūnanga when that protocol is utilised. That change was also made, noting that the protocol now sits in the earthworks chapter of the Proposed District Plan.

## **2.8 Reference to Other Relevant Evaluations**

This Section 32 topic report should be read in conjunction with the following evaluations:

- Strategic Directions – includes an objective relating to urban development and the need to recognise historic heritage values
- Sites and Areas of Significance to Māori – which includes identified areas of cultural significance

- Notable trees – includes trees with heritage significance
- Subdivision - includes rules relating to heritage items and heritage settings
- Signs - includes rules for signs for heritage items
- Earthworks – includes rules where located within a heritage setting
- Energy and Infrastructure – includes rules with activity standards that apply to heritage items and settings.

### 3. STATUTORY AND POLICY CONTEXT

#### 3.1 Resource Management Act 1991

Section 5 of the RMA sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8.

##### 3.1.1 Section 6

Section 6 provides the framework upon which objectives and provisions (in this case, policies and rules) to achieve the objectives, can be built to achieve the purpose of the Act.

Of relevance to historic heritage is:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*

Sections 6(e) and 6(f) of the RMA will be given effect by identifying items of historic heritage and enabling assessment of activities which affect these heritage values.

Historic heritage is defined in s2 of the RMA as:

- (a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:*
  - (i) *archaeological:*
  - (ii) *architectural:*
  - (iii) *cultural:*
  - (iv) *historic:*
  - (v) *scientific:*
  - (vi) *technological; and*

*(b) includes—*

- (i) historic sites, structures, places, and areas; and*
- (ii) archaeological sites; and*
- (iii) sites of significance to Māori, including wāhi tapu; and*
- (iv) surroundings associated with the natural and physical resources*

### **3.1.2 Section 7**

Section 7 of the RMA requires the Council to have particular regard to the following relevant matters:

*(c) the maintenance and enhancement of amenity values.*

*(f) maintenance and enhancement of the quality of the environment.*

*(g) any finite characteristics of natural and physical resources.*

*(j) the benefits to be derived from the use and development of renewable energy*

The protection of historic heritage forms part of the s7 matters upon which regard should be had. Existing heritage resources are a finite resource with specific values, and while acknowledging the benefits from the use and development of renewable energy, adaptation of heritage resources may affect the identified heritage values.

### **3.1.3 Section 8**

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Historic heritage is broader than just heritage items or buildings and these wider matters identified in the above definition of historic heritage are addressed in other parts of the Proposed Plan, include the Sites and Areas of Significance to Maori Chapter and the special zone provisions that apply to Maori Reserve 873.

### **3.1.4 Section 31**

Section 31 of the RMA sets out in functions of territorial authorities. The main function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the District. “Natural and physical resources” includes natural landforms, buildings and structures, including historic heritage.

Incorporating provisions for the recognition and protection of historic heritage in the proposed provisions helps to achieve integrated management by the following:

- a) Acknowledging the long term benefits, including for future generations, from the preservation of heritage items, settings and features.
- b) Encouraging the longevity of heritage items through maintenance and adaptive reuse.
- c) Accepting that historic heritage is part of the overall development environment for the District.

## **3.2 National Instruments**

The following national instruments are relevant to Historic Heritage.

### 3.2.1 National Planning Standards

The National Planning Standards were introduced in November 2019 with the purpose of improving the consistency of council plans and policy statements.

Under s75 (3) RMA a District Plan must give effect to a National Planning Standard. This District Plan has been prepared in accordance with National Planning Standards 2019, which were introduced by the Resource Legislation Amendment Act 2017 to make plans and policy statements more useable, accessible and easier to prepare.

The Proposed District Plan will give effect to the National Planning Standards by including a separate district-wide chapter for historic heritage. The standards outline the spatial layers that can be used in a district plan, including zones, overlays, precincts, special controls, development areas and designations. Heritage buildings and items are overlays, which is a mechanism that spatially identifies distinctive values, risks or other factors that require management in a different manner from underlying zone provisions.

### 3.2.2 National Policy Statements

#### 3.2.2.1 New Zealand Coastal Policy Statement 2010

The New Zealand Coastal Policy Statement (NZCPS) came into effect in 2010. Its policies aim to achieve the purpose of the RMA in relation to the coastal environment. Policy 17 is relevant to the protection of Historic Heritage:

*Policy 17: Historic Heritage Identification and Protection*

*Protect historic heritage in the coastal environment from inappropriate subdivision, use and development by:*

- a. identification, assessment and recording of historic heritage, including archaeological sites.*
- b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki.*
- c. initiating assessment and management of historic heritage in the context of historic landscapes.*
- d. recognising that heritage to be protected may need conservation.*
- e. facilitating and integrating management of historic heritage that spans the line of mean high water springs.*
- f. including policies, rules and other methods relating to the above in regional policy statements, and plans.*
- g. imposing or reviewing conditions on resource consents and designations, including for the continuation of activities.*
- h. requiring, where practicable, conservation conditions.*
- i. considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.*

The Proposed District Plan must give effect to the NZCPS in the coastal environment of the District. The proposed provisions identify, record and manage historic heritage resources, however the Sites and Areas of Significance to Maori Chapter identifies broad areas where specific archaeological sites may be located that are of significance to mana whenua, including within the coastal environment.

The Proposed Plan also recognises that Heritage New Zealand has a key role in the management of archaeological sites.

### **3.2.2.2 National Policy Statement on Urban Development 2020**

Historic heritage is a s6 matter, as outlined in this report. The NPS-UD enables change in amenity in urban areas, particularly for Tier 1 local authorities. A key issue for historic heritage is how the NPS-UD considers historic heritage, noting that change in amenity is a s7 matter.

Arguably, the NPS-UD risks the protection of historic heritage from inappropriate development, particularly via Policy 1 relating to well-functioning urban environments. The NPS-UD requires Tier 1 Councils to provide for development and intensification, within urban environments. The issue is that such development could impact on the protection of historic heritage.

For Waimakariri District, the identification of historic heritage items and heritage settings along with the proposed provisions clearly set out the locations and values of those items to be protected. Further, the full suite of provisions of Policy 3 of the NPS-UD, which relates to height and density, do not have policy effect, particularly due to the absence of existing or planned mass transit stops which would require much higher levels of intensification.

## **3.3 Regional policy statement and plans**

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Canterbury Regional Policy Statement (CRPS). The CRPS requires Council to set out objectives, policies and methods in district plans to control land use to avoid, remedy or mitigate adverse effects on the District's historic heritage.

The CRPS contains a number of directions for historic heritage:

### **3.3.1 Objectives:**

#### ***13.2.1 Identification and protection of significant historic heritage***

*Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury's distinctive character and sense of identity from inappropriate subdivision, use and development.*

#### ***13.2.2 Historic cultural and historic heritage landscapes***

*Recognition that cultural and heritage values are often expressed in a landscape setting and to make provision for the protection of such landscapes from inappropriate subdivision, use and development.*

#### ***13.2.3 Repair, reconstruction, seismic strengthening, on-going conservation and maintenance of built historic heritage***

*The importance of enabling the repair, reconstruction, seismic strengthening, and on-going conservation and maintenance of historic heritage and the economic costs associated with these matters is recognised.*

### **3.3.2 Policies:**

### **13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas**

*To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:*

*1. identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters:*

*(a) Historic*

*(b) Cultural*

*(c) Architectural*

*(d) Archaeological*

*(e) Technological*

*(f) Scientific*

*(g) Social*

*(h) Spiritual*

*(i) Traditional*

*(j) Contextual*

*(k) Aesthetic*

*2. working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.*

*3. having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.*

*4. considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.*

*5. recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.*

### **13.3.2 Recognise places of cultural heritage significance to Ngāi Tahu**

*To recognise places of historic and cultural heritage significance to Ngāi Tahu and protect their relationship and culture and traditions with these places from the adverse effects of inappropriate subdivision, use and development.*

### **13.3.3 Historic cultural and historic heritage landscapes**

*Significant historic cultural and historic heritage landscapes are to be protected from inappropriate subdivision, use and development. When determining the significance of values of historic cultural or historic heritage landscapes, the following matters will be considered:*

*1. Heritage fabric*

2. *Time depth*
3. *Natural science value*
4. *Tāngata whenua value*
5. *Cultural diversity*
6. *Legibility and evidential value*
7. *Shared and recognised value*
8. *Aesthetic value*
9. *Historic or cultural importance*

*In relation to their management, and determining the appropriateness of scale, form and location of development in these areas, the following matters will be considered:*

- (a) Cultural sensitivity of the proposal.*
- (b) Integrity or intactness of the landscape, items, features or linkages*
- (c) Vulnerability to change or modification*
- (d) Recognition of boundaries*
- (e) Opportunities for maintaining values*

#### **13.3.4 Appropriate management of historic buildings**

*Recognise and provide for the social, economic and cultural well-being of people and communities by enabling appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings and their surrounds in a manner that is sensitive to their historic values.*

#### **3.3.3 Comment and Response**

The Council is not constrained to the criteria specified in Policy 13.3.1 as the explanation of the policy goes on to state that “*Policy 3.3.1(1)-(4) does not constrain territorial authorities to protection of only those historic heritage items, places or areas that meet the policy. Any protection of historic heritage items, places or areas that do not meet Policy 13.3.1(1) - (4), should be determined at the local level by territorial authorities and the communities in recognition of the contribution such items, places or areas make to the local environment*”. The CRPS is not directive of the way in which protection will be achieved, but relies on Council to determine the appropriate response for the District.

Enabling the matters of Policy 13.3.4 in a manner that is sensitive to community values is also a particular requirement for inclusion in district plans, reflecting local circumstances.

The RPS recognises the direct relationship between social, cultural and economic wellbeing and the ability to repair, alter, seismic strengthen, and maintain historic items, while being sensitive to the historic values of the buildings and their surrounds. Many of these relationships cannot adequately be reconciled in an aggregate way, as they are specific to the particulars of the historic heritage item and its setting.



Cultural landscapes are recognised within the Sites and Areas of Significance to Maori Chapter of the Proposed Plan particularly through Ngā Tūranga Tūpuna being large extents of land within which there is a concentration of wāhi tapu or taonga values, or which are of particular importance in relation to Ngāi Tūāhuriri cultural traditions, history or identity.

The Proposed Plan is consistent with the policy direction of the CRPS as it has used the criteria identified, along with other relevant considerations and resources as part of the assessment of historic heritage items (and settings). A two tiered approach based on the significance of the heritage item is also proposed. Management of heritage resources includes consideration of adaptive reuse and maintenance. Other chapters in the Proposed Plan address sites and areas that are significant to mana whenua.

### 3.4 Iwi Management Plan

The Mahaanui Iwi Management Plan 2013 (IMP) is a plan that must be taken into account as part of the development of the Proposed District Plan. Overall, it directs the participation and particular interests of Ngāi Tahu and Papatipu Rūnanga are recognised and provided for in development and use of resources.

The IMP identifies the importance of Ngāi Tahu cultural heritage values. This is initially identified within section 5.4 Papatūānuku which includes Objective (8) stating:

*Ngāi Tahu cultural heritage values, including wāhi tapu and other sites of significance, are protected from damage, modification or destruction as a result of land use.*

The policies within this section identify the potential for effects on cultural heritage values, including:

- Risk of damage to sites of significance from earthworks (policies P11.1-11.6).
- Risk of impacts on sites and areas of cultural significance from development and construction of transport infrastructure (policies P16.4-16.6).

Section 5.8, Ngā Tūtohu Whenua, addresses issues associated with Ngāi Tahu cultural heritage including sites, places, resources, traditions, knowledge, and landscapes of importance to Ngāi Tahu. There is a relationship between the heritage items and sites/settings addressed in the historic heritage Chapter of the Proposed District Plan addressing heritage listings and the Sites and Areas of Significance Chapter. This can be seen in the holistic approach taken in Section 5.8 of the IMP. Policies of particular relevance include the protection of sites identified as wāhi tapu and wāhi taonga (CL3.9). As above, matters of significance are addressed through a separate chapter prepared in conjunction with Mahaanui Kurataiao Ltd by the Council.

### 3.5 Any relevant management plans and strategies

The following, while not directly a management plan or strategy prepared under other legislation, is relevant:

#### 3.5.1 'Landmarks' Committee

The 'Landmarks' Committee was created to recognise buildings, sites and locations of historic significance in Rangiora, and the programme was later extended to Kaiapoi in 2007. It is a partnership between the Waimakariri District Council, the Rangiora and Districts Early Records Society, and the Kaiapoi District Historical Society, making up the Landmarks Committee. Under the programme, buildings, sites and locations that meet set criteria are presented with

a plaque recognising heritage status and the Landmarks Committee members research the history of nominated buildings on behalf of the programme.

### **3.5.2 Oxford Town Centre Strategy, Kaiapoi Town Centre Plan, Rangiora Town Centre Strategy and Woodend Pegasus Area Strategy**

These Council strategies for the main town areas in the District aim to provide a framework for future growth. The strategies each recognise the value of heritage items in the town centres, which is consistent with the direction to protect significant historic heritage in the Proposed Plan.

## **3.6 Other relevant legislation or regulations**

The following legislation / regulations are relevant to this matter:

### **3.6.1 Heritage New Zealand Pouhere Taonga Act 2014**

Any relevant entry on the New Zealand Heritage List/Rārangi Kōrero prepared under the Heritage New Zealand Pouhere Taonga Act 2014 shall be given regard by Council. These entries have been reviewed and most have been included in the proposed schedule for historic heritage and reflect the significance identified in the New Zealand Heritage List.

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPTA) has the purpose of promoting the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand. The key difference between the RMA and the HNZPTA and the bodies operating under them, is that the RMA places a requirement on the Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development and that the Council's role in the management of natural and physical resources of the District achieves that protection.

Heritage NZPT primarily has an advocacy role for the protection of heritage items. The only potential area of overlap between the Council and Heritage NZPT is in terms of Heritage NZPT's regulatory role as a heritage protection agency and in issuing archaeological authorities for pre-1900 sites. This matter is specifically recognised by the provisions of the Historic Heritage chapter.

### **3.6.2 Local Government Act 2002 (LGA)**

Section 14 of the LGA sets out the principles relating to local authorities, including taking account of the diversity of the community and interests of the future communities and taking a sustainable development approach that takes account of social and cultural wellbeing, quality of the environment and foreseeable needs of future generations.

This is relevant as historic heritage is a wide ranging subject which reflects the diversity of the community and in some instances represents a regional or national relationship. There is also a strong focus on preserving the past for future generations, although the approach is not completely restrictive and allows a level of development that is sustainable.

### **3.6.3 Building Act 2004**

The Building Act 2004 regulates building work and sets building standards to ensure both new and existing buildings are safe, do not endanger health, and allow people to escape in the event of a fire. Section 4(2)(l) of the Act requires Council to take into account the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.

The Act also requires Council to adopt and implement a policy regarding earthquake prone buildings, while specifying how the policy will apply to heritage buildings. This District Plan Review provides an

opportunity for the policies within the Plan to be updated in order to regulate work on heritage structures for mandatory earthquake strengthening.

The Act also requires that Council provides notification to HNZ of applications for Project Information Memoranda (PIM's) or building consents that affect historic sites and wāhi tapu on either the National Heritage List or Rārangi Kōrero (archaeological list).

Important changes to this Act relating to the management of earthquake prone buildings (EQPB) came into effect on 1 July 2017. In summary:

- The Council should be using the identification and remediation methodology and processes for EQPB set out in the Act.
- EQPBs must adhere to new timeframes:
  - Priority buildings - 5 years to identify, 12.5 years to strengthen.
  - Other EQPB - 10 years to identify, 25 years to strengthen.
  - Identification timeframes begin from the date of changes to the Act, strengthening timeframes begin from date on the EQPB notice.
  - New EQPB identification obligations and consultation/reporting requirements.

The management of EQPB buildings is anticipated by the Proposed District Plan provisions which provides;

- policy guidance and rules to enable maintenance or repair to meet Building Code requirements,
- rules that enable maintenance, repair and demolition where resource consent is granted.

### 3.7 Any plans of adjacent or other territorial authorities

The District Council is required to have regard to the extent to which the District Plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA.

A review of current practice in respect of this matter has been undertaken, together with a review of the following District Plans:

- Hurunui District Plan (second generation, operative)
- Christchurch District Plan (second generation, operative)
- Selwyn District Plan (second generation, proposed)

These plans were chosen because they deal with similar issues in similar communities and operate under the CRPS.

In summary, the findings of the review are:

- a) The objectives and policies within all of the plans reviewed have a high level of similarity and alignment with the requirements of the Act and the respective CRPS.
- b) Generally, the rules for the management of historic heritage in the other District Plans are relatively similar to those proposed.
- c) All of the plans provide for a managed level of change (and associated effect on heritage values) as a permitted activity. This is generally restricted to repairs and maintenance with the extent of change limited by definition or through specific standards. Some of the plans provide for works as a controlled activity, but this is only in very limited situations (particularly relating to earthquake strengthening and the like).

- d) Most of the plans place the majority of activities as restricted discretionary and discretionary activities. This enables assessment of effects on values (assuming the matters of discretion cover the relevant potential effects) and the ability to decline an application where the appropriate protection of heritage values would not be achieved. This generally applies to alterations and additions, partial demolition, subdivision, and activities within settings.
- e) In all cases, the most stringent activity status is applied to the demolition of heritage items and in some cases, this is also applied to relocation. Relocation of heritage items is generally a non-complying activity.
- f) The Christchurch City Plan is more complex, and this makes interpretation and application more difficult, especially for landowners who are unlikely to be familiar with district plan terminology and layout. In part this reflects the earthquake recovery period in which the plan was prepared. The more simplistic plan approaches are considered more readable and easy to interpret and apply.

The notified Proposed Plan for Selwyn District takes a similar management approach to that of the Proposed District Plan provisions. The National Planning Standards also influence layout of the provisions, although there are differences in placement of certain provisions e.g. those related to subdivision.

## 4. KEY RESOURCE MANAGEMENT ISSUES

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

- Monitoring and review of the Operative District Plan, including via resource consent processing.
- Issues or matters identified in other documents and plans, including those described above.

Two issues were identified as follows:

### **4.1. Issue 1: Activities that alter or remove historic heritage lead to the loss of tangible connections to the community's social, cultural and economic past and affect the District's sense of identity, as well as amenity values and the character of the environment.**

The RMA requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. The district plan is the primary means of protecting historic heritage. Heritage New Zealand Pouhere Taonga also has a responsibility to establish and maintain a register of historic places, historic areas, Waahi Tapu and Waahi Tapu Areas for the purposes of informing the public, notifying owners and assisting protection under the RMA.

Heritage resources are often fragile and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant heritage resources are retained for both present and future generations. The stock of heritage items in the District was diminished due to the Canterbury Earthquakes and forward identification and management of heritage items is important.

### **4.2. Issue 2: The ability for landowners to use their property for anticipated uses whilst protecting the identified historic heritage item and its heritage values.**

In providing for historic heritage items in the Proposed District Plan (and indeed the Operative Plan) it necessary to facilitate activities that support the heritage item without unnecessary process, to

assist its protection. It should also be also recognised that most items are situated on a site that has other uses occurring and that the relationship between the heritage item and other uses is necessary where the values of the heritage item are not overly diminished or destroyed.

## 5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

### 5.1 Strategic Direction

The following Strategic Direction is relevant:

SD-O2 Urban development

*“Urban development and infrastructure that:*

1. *is consolidated and integrated with the urban environment;*
2. *that recognises existing character, amenity values, and is attractive and functional to residents, businesses and visitors;*
3. *3...”*

The provisions that apply to historic heritage give effect to this objective by identifying and providing for heritage items and settings, which have heritage values, whilst recognising there is a functional requirement for many properties to carry out anticipated activities in regard to urban development. The relevant Objective is HH-O1.

### 5.2 Zone / District-wide Subject

The district-wide chapter contains objectives, policies and rules that provide for historic heritage and to manage adverse effects.

### 5.3 Proposed Objectives and Policies

The objectives and policies proposed are as follows:

Objective
<p><b>HH-01 Contribution to the District</b></p> <p>Historic heritage and its overall contribution to the identity of the District is recognised, protected and maintained.</p>
Policies
<p><b>HH-P1 Identification of historic heritage</b></p> <p>Identify historic heritage and assess the significance of its heritage values according to the criteria identified in HH-SCHED1.</p>
<p><b>HH-P2 Significance categories and scheduling</b></p>

Categorise identified historic heritage as either 'Significant' or 'Highly Significant' according to the following:

1. 'Highly Significant' (Category A) historic heritage shall:
  - a. meet at least one of the criteria of Policy HH-P1 at a Highly Significant level; and
  - 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
  - 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
2. 'Significant' (Category B) historic heritage shall:
  - a. meet at least one of the criteria of Policy HH-P1 at a Significant or Highly Significant level; and
  - b. be of district significance, as it conveys aspects of history or development, and thereby contributes to the sense identity; and
  - 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
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.

#### **HH-P3 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.

#### **HH-P4 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.

#### **HH-P5 Adverse effects**

Manage the effects of subdivision, use and development on historic heritage and heritage settings, listed in HH-SCHED2, in a way that:

1. provides for ongoing use and re-use that is sensitive to identified heritage values;
2. enables heritage investigative and temporary works and maintenance or repair to meet Building Code requirements, that is sensitive to identified heritage values;
3. 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
4. conserves, and where possible enhances, the authenticity and integrity of historic heritage and any heritage setting, particularly for 'Highly Significant' historic heritage.

#### **HH-P6 Relocation of significant and highly significant historic heritage**

Provide for the relocation of:

1. 'Significant' historic heritage, listed in HH-SCHED2, beyond its existing site and/or any heritage setting where:

- a. it is demonstrably necessary to facilitate on-going use or protection of the historic heritage;
  - b. alternatives to relocation have been fully evaluated and the costs of retention on-site outweigh the benefits;
  - c. measures are in place to minimise the risk of damage to the historic heritage, and relocation will maintain the identified heritage values; and
  - d. the new site is compatible with and sensitive to the historic values of the historic heritage being relocated;
2. 'Significant' and 'Highly Significant' historic heritage, listed in HH-SCHED2, within its existing site or heritage setting where:
    - a. relocation is necessary to facilitate on going use or protection of the historic heritage item, including its heritage setting;
    - b. measures are in place to minimise the risk of damage to the historic heritage, and relocation will maintain the identified heritage values; and
    - c. alternative options have been explored and it is demonstrated that relocation is the only feasible option; and
  3. avoid the relocation of 'Highly Significant' historic heritage, listed in HH-SCHED2, beyond its existing site and/or any heritage setting, to protect relevant Category A (HH-P1 and HH-P2) values.

#### **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.

#### **HH-P8 Demolition of listed historic heritage**

Avoid demolition of historic heritage, listed in HH-SCHED2, unless:

1. there is a real and significant risk to life or property that interim measures could not address; or
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
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.

## **5.4 Proposed Methods**

The following methods are used to implement the proposed objectives and policies:

### **5.4.1 Rules**

Activities are either permitted where activity standards are met or provided for through a specific rule.

### **5.4.2 Activity Standards**

Activity standards are proposed to manage the nature and extent of change.

#### 5.4.3 Other District Plan chapters

Other district-wide rules apply as located in other chapters, including subdivision, earthworks, signs and energy and infrastructure.

#### 5.4.4 Methods outside the District Plan

A range of other methods are available outside of the District Plan that the provisions in the chapter do not duplicate, but which also assist in implementing the objectives and policies.

#### 5.4.5 Matters of Control or Discretion

Controlled or Restricted Discretionary Activities include the matters to which control is reserved or discretion is restricted. These matters are identified within the Historic Heritage Chapter and are limited to 14 separate matters for restricted discretionary activities.

#### 5.4.6 Advice Notes

Advice notes are included to draw attention to the matter than other agencies or processes apply beyond the district plan rules.

#### 5.4.7 Definitions

Definitions of terms used in the Chapter are included in the Definitions Chapter, and include 'Historic Heritage' as a key management approach (an RMA term).

## 6. SCALE AND SIGNIFICANCE EVALUATION

Section 32 (1)(c) of the RMA requires that a Section 32 report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed objectives, policies and methods.

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

- (a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;
- (b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and
- (c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Involve a matter of national importance in terms of Section 6 of the RMA;



- (c) Involve another matter under Section 7 of the RMA;
- (d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;
- (e) Address an existing or new resource management issue;
- (f) Result in a significance change to development opportunities or land use options;
- (g) Whether the effects have been considered implicitly or explicitly by higher order documents;  
and
- (h) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

## 6.1 Evaluation of Scale and Significance

	Low	Medium	High
<b>Degree of change from the Operative Plan</b>		✓	
<p>The degree of change from the Operative District Plan is medium considering:</p> <ul style="list-style-type: none"> <li>• The restriction on the demolition of historic heritage items are similar to the Operative District Plan, although the activity status' that apply have a higher test.</li> <li>• A number of new heritage items on private properties are scheduled for protection in the District Plan.</li> <li>• A number of existing items have been removed from the schedule due to being assessed as removed (e.g. post-earthquakes) or no longer meeting the assessment criteria (e.g. modification or lack of evidence).</li> </ul>			
<b>Effects on matters of national importance</b>			✓
<p>The proposal relates to a section 6 matter as the criteria for identification and protection of historic heritage under the CRPS is related to the protection of historic heritage under section 6(f).</p>			
<b>Scale of effects geographically (local, district wide, regional, national)</b>		✓	
<p>The geographical scale of effects is generally dispersed and does not affect the majority of properties in the District.</p>			
<b>Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)</b>		✓	
<p>The scale of effects on people and special interest groups are moderate. The heritage items are private owners who may raise concerns with the restrictions on their property rights. However, these restrictions will only come into effect if the landowners are proposing activities that trigger rules in the District Plan. Some of the heritage items have been rolled over and landowners are already familiar with the concept.</p>			
<b>Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups</b>		✓	
<p>The scale of effects on people and special interest groups are moderate. The heritage items are private owners who may raise concerns with the restrictions on their property rights. However, these restrictions will only come into effect if the</p>			

landowners are proposing activities that trigger rules in the District Plan. Some of the heritage items have been rolled over and landowners are already familiar with the concept.			
<b>Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? Is it consistent, inconsistent or contrary to those?</b>		✓	
<p>The identification procedures and proposed provisions are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.</p> <p>In regards to subdivision, the standards are necessary in order that the heritage setting is not lost with this activity.</p>			
<b>Likelihood of increased costs or restrictions on individuals, communities or businesses</b>		✓	
Although it is likely that there will be increased costs for processes involving change to heritage items, existing provisions already manage activities involving historic heritage and the degree of change will primarily relate to new items (and settings) included in the proposed plan.			
<b>Summary - Scale and Significance</b>			
Overall, it is considered that the scale and significance of the proposal is moderate/high. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the historic heritage provisions.			

## 7. EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the Council to evaluate the extent to which the objective(s) are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objective(s) that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

### 7.1 Evaluation of Proposed Objectives

1.

<b>Existing Objective/s (status quo)</b>	<b>Appropriateness to achieve the purpose of the Resource Management Act 1991</b>
<b>Objective 9.1.1</b> Recognise and protect those heritage sites, structures, places and areas which reflect the social, cultural and economic history of the District.	<b>Relevance:</b> The objective is generally consistent with the proposed objective and the statutory and policy context. However, to most appropriately address the key resource management issues, the objective needs to provide certainty to plan users, particularly regarding the contribution to the District that the heritage item makes.

Existing Objective/s (status quo)	Appropriateness to achieve the purpose of the Resource Management Act 1991
	<p><b>Reasonableness:</b> The existing objective is reasonable, although it does not specifically allow for maintenance or for the item to be maintained explicitly. The language used also reflects that of a policy rather than a statement of intent or outcome.</p>
	<p><b>Achievability:</b> The objective refers to protect which is a statutory test, although it somewhat lessened by the 'reflect' consideration. It also refers to 'sites'; these are not well described in the Plan and has led to confusion as to whether resource is required.</p>

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
<p><b>HH-O1 Contribution to the District</b> Historic heritage and its overall contribution to the identity of the District is recognised, protected and maintained.</p>	<p><b>Relevance:</b> The proposed objective seeks to protect heritage items and settings. There are different threats for heritage items and heritage settings i.e. inappropriate subdivision, use and development, from alteration through to removal.</p> <p>It is important that decision makers are aware that historic heritage is identified and protected and maintained and that that certain activities should be managed to provide the community and District as a whole with important connections to the past. In doing so, the objective recognises the public appreciation of historic heritage and its contribution to community identity as an important aspect of protection.</p>
	<p><b>Reasonableness:</b> The proposed objective is responsive to community and stakeholder feedback. It is appropriate and reasonable as it provides a clear direction for assessment and decision-making affecting historic heritage.</p> <p>The objective is reasonable as it is consistent with other districts and focuses on the particular issues in the District, but also recognises that some maintenance works can be undertaken.</p> <p>Many heritage items are earthquake-prone and are subject to strengthening requirements under the Building Act 2004. This has economic implications, not only for individual owners and for the viability and vitality of areas such as the older parts of town centres where it is important that heritage buildings are actively used and maintained. If these heritage items are left to deteriorate, they can become</p>

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
	dangerous to the public, reduce visual amenity values, and rare heritage values could be lost forever.
	<b>Achievability:</b> The objective is achievable, noting that resources are available outside of the RMA/District Plan framework, including funds administered by HNZ and the heritage fund administered by Council for heritage maintenance.

Alternative Objective/s	Appropriateness to achieve the purpose of the RMA
Do not include heritage provisions in the Proposed District Plan	Relevance / Reasonableness / Achievability This is not considered an appropriate response given the national importance of historic heritage and the level of value the community places on heritage items in the District. In addition, the lack of provision for historic heritage would not give effect to the Resource Management Act or CRPS as is required to be achieved.

## 7.2 Summary - Evaluation of Proposed Objectives

The proposed objective recognises the positive contribution of historic heritage items, identifies that a more enabling approach to management is appropriate and that adverse effects need to be managed to ensure historic heritage is maintained. This applies at a local and District wide scale. The objective will provide for clearer and more efficient management of historic heritage.

## 8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

## 8.1 Evaluation of Proposed Policies and Methods

Option A: Policy and method options to achieve the District Plan objectives relating to Historic Heritage	Benefits environmental, economic, social and cultural effects anticipated	Costs environmental, economic, social and cultural effects anticipated	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<ul style="list-style-type: none"> <li>• Identification of historic heritage</li> <li>• Significance categories</li> <li>• Heritage settings</li> <li>• Archaeological sites</li> <li>• Adverse effects</li> <li>• Relocation of significant and highly significant historic heritage</li> <li>• Siting of infrastructure</li> <li>• Demolition of listed historic heritage</li> </ul> <p>(Refer sections 5.3 and 5.4 for proposed Policies and Methods description)</p>	<p><b>Environmental:</b> Clarity is provided for the protection of historic heritage values as a key component of the environment.</p> <p>Historic heritage is identified, protected and maintained for present and future generations, enhancing community identity and the amenity of the District for residents and visitors.</p> <p>Contributes to the character and amenity values of the District.</p> <p>Clear definition of terms used, meaning it is easier to determine consent status e.g. 'heritage settings'.</p>	<p><b>Environmental:</b> The historic heritage item may not be maintained and could deteriorate, where retained.</p>	<p><b>Efficiency:</b> These policies and methods provide an efficient way to achieve the objective as the benefits of identifying and protecting historic heritage outweigh the costs.</p> <p>The primary benefits from the policies are the protection of historic heritage which will ultimately benefit the well-being of both current and future generations.</p> <p>The Schedule identifies the District's significant heritage sites and the policies and rules provide protection for those sites. This is an efficient approach to achieve the objectives.</p>	<p><b>Uncertainty or insufficiency of information:</b></p> <p>There has been expert technical work undertaken to understand and document the heritage values of the places and determine whether they are significant for inclusion in the plan. This has provided Council and property owners with a high degree of understanding and direction when considering undertaking a project.</p>
	<p><b>Economic:</b> Possible increase in land values from heritage registration.</p> <p>Funding availability, from Council and other entities.</p> <p>Landowners have a clear understanding of identified</p>	<p><b>Economic:</b> Development on heritage sites may be constrained due to the need to ensure the setting of the item is not lost.</p> <p>Higher costs in comparison with similar methods of maintenance for a non-heritage building.</p>	<p><b>Effectiveness:</b> The proposed policies and methods provide an effective framework to achieve the objective by providing clearly identified mechanisms to protect historic heritage. In summary, the</p>	<p><b>Risk of acting or not acting:</b></p> <p>The risk of not acting may mean the loss of significant heritage items and would not be appropriate with respect to giving effect to higher order policies and legislation.</p>

	<p>heritage items on their land and the impact or value of these qualities.</p> <p>Recognition of the financial costs of protecting and on-going repair and maintenance of heritage items, and the ability to consider this when scheduling heritage items.</p> <p>Potential support for tourism values within the district.</p>	<p>Cost of resource consent process if required.</p> <p>Additional costs for specialised reports.</p> <p>Possible loss of land values.</p> <p>Costs to developers to recognise the heritage item in their development and reduction in development potential.</p> <p>Upgrading the building to earthquake and current building standards may be expensive.</p> <p>May constrain the use of the building/land.</p> <p>Cost to landowners of ongoing maintenance, repair and adaptive-use of heritage items.</p> <p>Administrative costs to council for staff processing and enforcement activity.</p>	<p>policies will be effective to achieve the objective for the following reasons:</p> <ul style="list-style-type: none"> <li>• Heritage is an integral part of the District’s character and its future development. For this reason the destruction or alteration of buildings, or significant elements of buildings that are of heritage value will be assessed in terms of the loss of an item’s heritage value. The loss of heritage values will only be considered through a resource consent application.</li> <li>• The policies and methods recognise that adverse effects can be generated by inappropriate activities on historic heritage items.</li> <li>• Recognition of the importance of the immediately surrounding environment in the heritage values of buildings or structures.</li> <li>• Providing an opportunity to align all documents that identify historic heritage features and sites and provide an integrated approach to protection.</li> <li>• The demolition of historic heritage can result in the loss of associated heritage values. The aim of the policies is to minimise the loss of any</li> </ul>	
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			<p>of historic buildings and structures listed within the Schedule. Demolition of highly significant historic buildings and structures will only be considered in exceptional circumstances.</p> <ul style="list-style-type: none"> <li>• The policies encourage activities that will facilitate the retention and or enhancement of historic buildings and structures. Greater flexibility in the use of historic buildings and structures, whilst ensuring the management of any potential adverse effects, can help to preserve the historic buildings and structures by finding an ongoing use.</li> <li>• Clearly identifying the location and extent of the District’s significant historic heritage sites provides the opportunity for a targeted approach to managing the values of these areas where they are at risk from inappropriate subdivision, use and development.</li> <li>• Identification of sites before development occurs will be particularly important. If the general location of sites can be signalled then developers and landowners will be able to plan development that minimises or avoids disturbance to sites.</li> </ul>	
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			The proposed provisions will be both effective and efficient means of achieving the purposes of the RPS, NZCPS and Heritage NZ Pouhere Taonga Act 2014 and afford protection for significant heritage items.	
	<p><b>Social:</b> Individual property owners pride in the item is encouraged and maintained.</p> <p>Through the identification and retention of heritage items the community is able to identify with heritage items.</p> <p>Heritage items can become focal points in communities.</p> <p>Retention of heritage items and settings contributes to the amenity of an area.</p> <p>Ensures the surroundings of the site or building are also protected, thus retaining the context.</p> <p>Identification of historic heritage features and items in a schedule and on district plan maps provides certainty for landowners and the community as to the location of these features.</p>	<p><b>Social:</b> With the loss of heritage items part of the social fabric of a district is lost.</p> <p>There may be conflict between parts of the community with different opinions over the value of heritage items.</p> <p>Stress to property owners as a result of costs associated with owning a heritage building.</p>		



	<p><b>Cultural:</b> Sites and surroundings are protected for future generations.</p> <p>Communities have an enhanced connection to cultural heritage through the protection of heritage items.</p> <p>Recognition of cultural values as a part of the heritage item assessment process, where possible.</p> <p>May assist in managing and protecting sites of cultural significance.</p>	<p><b>Cultural:</b> Any loss of heritage items may mean the loss of the cultural identify of an area.</p> <p>Heritage values may become out of date – particularly if the site or feature is modified.</p>		
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**Opportunities for economic growth and employment**

Heritage promotion, tourism ventures, potential for increased property valuation where heritage is appreciated. Potential employment opportunities for specialists in heritage protection and promotion.

**Quantification**

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable as they fall often to a site by site assessment.

**Options less appropriate to achieve the objective**

<p><b>Option B: Status Quo</b></p> <p>Provisions that are included in the Operative District Plan</p>	<p><b>Benefits</b> environmental, economic, social and cultural effects anticipated</p>	<p><b>Costs</b> environmental, economic, social and cultural effects anticipated</p>	<p><b>Efficiency and Effectiveness</b></p>	<p><b>Risk of acting / not acting</b> if there is uncertain or insufficient information about the subject matter of the provisions</p>
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	<p><b>Environmental:</b> The existing activity status will apply, meaning a broad level of discretion is applied in terms of environmental outcomes.</p>	<p><b>Environmental:</b> The provisions will not provide clear direction on resource management issues affecting heritage in the District and will not allow for discretionary/non-complying status where appropriate. This may result in adverse environmental outcomes.</p>	<p><b>Efficiency:</b> Potential heritage buildings and items will continue to be assessed under criteria that does not reflect best practice and is therefore less efficient than the proposed option.</p> <p>Resource consent is required for most activities which is less efficient than the proposed option.</p>	<p>It is considered that there is certain and sufficient information about this option because it has been in place since the Operative District Plan came into effect in 2005. The information is sufficient not to act on this option.</p>
	<p><b>Economic:</b> The existing requirements would prevail reducing the requirement for resource consent applications and involvement by those professions that support consent processes.</p>	<p><b>Economic:</b> The existing requirement for consent other than minor alterations would continue, with associated costs to the owner/applicant.</p>	<p><b>Effectiveness:</b> The current heritage list is dated and it would not protect all heritage items of value to the community.</p> <p>The Council will be meeting its obligations under the RMA to a degree, but the District Plan will not be in alignment with the CRPS.</p>	
	<p><b>Social:</b> The same number of property owners will be subject to rules if the status quo approach continues as no new heritage items will be introduced. These owners are already familiar with these rules.</p>	<p><b>Social:</b> Costs will fall in the areas of compliance and stress related to the need to obtain resource consent for most works.</p>		
	<p><b>Cultural:</b> As above.</p>	<p><b>Cultural:</b> As above.</p>		
<p><b>Opportunities for economic growth and employment</b></p>				

The same as identified for Option A, but at a reduced scale due to Option B being less effective and efficient in delivering the objective.

<b>Option C: Option 3 – Non regulatory approach</b>	<b>Benefits</b> environmental, economic, social and cultural effects anticipated	<b>Costs</b> environmental, economic, social and cultural effects anticipated	<b>Efficiency and Effectiveness</b>	<b>Risk of acting / not acting</b> if there is uncertain or insufficient information about the subject matter of the provisions
<p>This option would use other methods such as funding, rates relief and education. These are methods outside the District Plan and the Plan could recognise their contribution to achieving the objective.</p>	<p><b>Environmental:</b></p> <p>Public education and funding could encourage maintenance and protection of historic heritage items. This would benefit the local environment in which the heritage item or setting is located where the item is well-maintained and better able to be appreciated.</p>	<p><b>Environmental:</b></p> <p>Lower levels of certainty that environmental outcomes would be achieved, as there would be no direct control over activities involving historic heritage.</p>	<p><b>Efficiency</b></p> <p>The option is less effective in achieving the objectives, as no regulatory methods would apply and the process to achieve the objective is unclear. Outcomes could be highly variable as education and financial incentives may have different criteria to the Proposed Plan objectives and policies.</p> <p>The historic heritage items that are to be protected will not be clear to the community and is likely to cause confusion.</p>	<p>There is sufficient information not to act on this option.</p> <p>Risk of acting is that non-regulatory measures may be insufficient to achieve the objective (and s6 RMA directions for historic heritage protection).</p>
	<p><b>Economic:</b></p> <p>Funding and rate relief could encourage protection and maintenance. Greater scope for economic re-purposing of buildings.</p>	<p><b>Economic:</b></p> <p>Less certainty for ongoing protection may dissuade investment in heritage buildings and settings, particularly if it is other uses of sites and buildings would provide higher economic returns.</p>	<p><b>Effectiveness</b></p> <p>The Council will not be able to meet its obligations under the RMA and to give effect to the CRPS.</p>	
	<p><b>Social:</b></p>	<p><b>Social:</b></p>		

	Education could raise awareness of local social history.	Potential loss or deterioration of heritage items and tangible links to the social history of the District.		
	<b>Cultural:</b> Education could raise awareness of cultural values associated with historic heritage.	<b>Cultural:</b> Potential loss or deterioration of heritage items that have significant cultural values.		
<b>Opportunities for economic growth and employment</b>				
No opportunities are identified for economic growth and employment in relation to this option.				

## 8.2 Summary - Evaluation of Proposed Policies and Methods

The proposed policies and methods are the most appropriate option to achieve the objectives for historic heritage in Waimakariri District as the benefits outweigh the costs (in 8.1) and the methods more efficiently give effect to the proposed objective, than other options identified.

## 9. SUMMARY

After undertaking an evaluation as required by Section 32 of the RMA, the proposed objective is considered the most appropriate way to achieve the Purpose of the RMA (section 5) for identifying and protecting historic heritage (section 6).

It is considered that the proposed policies and methods outlined are the most appropriate way for achieving the objective, having considered:

- (i) other reasonably practicable options for achieving the objective; and
- (ii) assessing the efficiency and effectiveness of the provisions in achieving the objective.

## Appendix One: Specific Consultation Comments and Response

Date	Group	Subject Matter	Feedback	Response
September 2017	Community	Issues and Options consultation	<p>Better recognise and protect cultural and historic heritage and landscapes to be consistent with the RPS.</p> <p>Support high level of protection for built heritage. Support for upgrading list of protected heritage items.</p>	<p>The Proposed Plan more fully recognises the heritage values of sites as well as identified items that are listed.</p>
September 2017	Heritage NZ	Issues and Options Consultation	<p>Provide for the upgrade of utility connections to/within historic buildings to enhance their usability.</p> <p>Provide stringent controls over the placement of new utility structures on heritage buildings to control visual effects and effects on heritage values.</p> <p>Update list of protected heritage items in the District Plan in accordance with 'best practice' guidance provided by Heritage NZ.</p> <p>Provide activity categories based on level of potential intervention of heritage values – e.g., repair and maintenance could be controlled, subdivision of a heritage site/item could be discretionary, demolition or removal could be non-complying</p> <p>Proposed new District Plan earthworks rules should include advice note that earthworks potentially affecting recorded or unrecorded archaeological sites may require an archaeological authority from Heritage NZ.</p>	<p>Proposed provisions for infrastructure in relation to heritage items are included in the proposed provisions.</p> <p>Heritage schedule has been updated in accordance with criteria.</p> <p>Advice note for archaeological sites has been included.</p>

September 2017	Kaiapoi-Tuahiwi Historical Society	Issues and Options Consultation	List Dr Ramsay Memorial Sundial as a heritage structure. Retain and upgrade Darnley Square. Retain and maintain Kaiapoi Domain.	Darnely Square Queen's monument retained
September 2017	Kaiapoi-Tuahiwi Community Board	Issues and Options Consultation	Maintain current level of protection but come up with a way of being able to amend lists of heritage items protected more quickly and easily.	Protection has been enhanced in the proposed provisions.
September 2017	Oxford-Ohoka Community Board	Issues and Options Consultation	Support higher level of protection.	Protection has been enhanced in the proposed provisions.
September 2017	Pegasus Residents Group	Issues and Options Consultation	Support for upgrading list of protected heritage items, including sites in the Pegasus area such as Kaiapoi Pa and Eastern and Western Conservation Area.	Protection has been enhanced in the proposed provisions. Sites and Areas of Significance to Maori are addressed in a specific proposed chapter.
September 2017	Rangiora-Ashley Community Board	Issues and Options Consultation	Maintain current level of protection	Protection has been enhanced in the proposed provisions.
September 2017	Waimakariri Youth Council	Issues and Options Consultation	Support for upgrading list of protected heritage items.	Protection has been enhanced in the proposed provisions.
September 2017	Canterbury District Health Board	Issues and Options Consultation	Support for upgrading list of protected heritage items.	Protection has been enhanced in the proposed provisions.
July – August 2018	Community	Public Call for Heritage Nominations	A call for nominations for heritage items brought forward 28 nominations (including several trees)	Nominated items were assessed for potential inclusion in the heritage schedule.
April-May 2019	Community	'What's the Plan?' Consultation.	How much protection, more or less, do we need for our historic heritage? Twelve respondents provided comments relevant to this question. The majority of respondents favoured greater	Protection has been enhanced in the proposed provisions.

			<p>protection for heritage, which included both trees and buildings.</p> <p>Respondents also wanted consideration of private property rights and more support for landowners (e.g., through a heritage fund). Two respondents also wanted future heritage or features of future heritage identified pre-emptively.</p>	<p>Financial support outside of the scope of the District Plan.</p> <p>Adaptive reuse of heritage buildings provided for in proposed provisions.</p>
July 2020	Owners of Identified Heritage Sites	Consultation	<p>Owners of identified heritage sites were contacted to discuss the review of heritage provisions in the Proposed District Plan.</p>	<p>For those owners who responded, further information was provided on the proposed listing, and the district plan review process.</p>
December 2019	Heritage New Zealand (HNZ)	Comment on direction of proposed provisions	<ul style="list-style-type: none"> <li>a. include a clear explanation of historic heritage, its identification, assessment and the scope of what is included;</li> <li>b. use the Canterbury Regional Policy Statement criteria and a two-tier approach for historic heritage significance;</li> <li>c. an additional policy for historic heritage in relation to criteria and significance thresholds be included in the historic heritage schedule;</li> <li>d. clarify the role of HNZ in regulating works for archaeological sites;</li> <li>e. concentrate on protecting the part of the building that is listed for protection and recognise and provide for adaptive reuse;</li> <li>f. include permissive rules for safety and Earthquake upgrades;</li> <li>g. identify activity status clearly for activities; and</li> <li>h. recognise that there are some situations where demolition may be justified and provide for assessment through resource consent that reflects the significance of the building.</li> </ul>	<p>Comments have been incorporated into the proposed provisions.</p>



December 2019.	Landmarks	Consultation	Landmarks members reviewed the proposed schedule and identified some corrections to the description that should be made	Dr Ann McEwan further researched identified matters and amendments were subsequently made to the proposed schedule.

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