

Decision of Hearing Panel

**PROPOSED PLAN CHANGE H(a) – HISTORIC HERITAGE
TO THE MANAWATŪ DISTRICT PLAN**

**Decision Report and Decision of the Hearing Panel
appointed by the Manawatū District Council
pursuant to section 34A of the Resource Management Act 1991**

7 July 2023

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SCHEDULE OF APPENDICES

- **APPENDIX 1:** Panel decisions on relief sought by submissions and further submissions
- **APPENDICES 2 - 4:** Annotated versions of Plan Change Chapters

INDEX OF ABBREVIATIONS

This report utilises several abbreviations and acronyms as set out in the glossary below:

Abbreviation	Means...
“the Act”	Resource Management Act 1991
“the Council”	Manawatū District Council
“the Regional Council”	Horizons Regional Council
“the District Plan”	Operative Manawatū District Plan (December 2002)
“HNZPT”	Heritage New Zealand Pouhere Taonga
“MDC”	Manawatū District Council
“NPS”	National Planning Standards 2019
“PPCH(a)”	Proposed Plan Change H(a) Historic Heritage
“the Plan Change”	Proposed Plan Change H(a) Historic Heritage
“the RMA”	Resource Management Act 1991
“roll over items”	The 72 heritage items which have been rolled over from the existing Appendix 1E
“new items”	18 new historic heritage items
“the RPS”	The Regional Policy Statement part of the Horizon Regional Council’s One Plan
“s[#]”	Section Number of the RMA, for example s32 means section 32
“s42A report”	The report prepared by MDC pursuant to s42A, RMA
“Schedule 4b”	Schedule 4b – Significant Historic Built Heritage – Wider Manawatū District

**Manawatū District Council
Proposed Plan Change H(a)
Historic Heritage**

Decision of the Hearing Panel

Proposal Description:

The Proposed Plan Change (**PPCH(a)**) inserts a new schedule into the District Plan: ‘Schedule 4b – Significant Historic Built Heritage – Wider Manawatū District’ which contains 72 heritage items which have been rolled over from the existing Appendix 1E, and 18 new historic heritage items. Items listed in Schedule 4b are identified with either a Category A or B ranking. It also inserts new provisions in the Historic Heritage Chapter relating to the relocation of heritage items, minor external alterations to heritage items, external alternations and removal of non-contributing parts of heritage buildings. A number of consequential amendments to other chapters are also proposed.

Note: Heritage items included in Schedule 4a (Significant Historic Built Heritage – Feilding Town Centre) are not part of this plan change.

Hearing Panel:

Gina Sweetman - Independent RMA Hearing Commissioner, Chairperson
Alison Short – Commissioner/elected representative

Date of Hearing:

7 June 2023

Hearing Officially closed:

12 June 2023

1. INTRODUCTION

Report purpose

- 1.1 This report sets out our decision on PPCH(a) to the operative Manawatū District Plan 2002, relating to Historic Heritage.
- 1.2 We were appointed by the Council to hear submissions made on PPCH(a) and to consider and make a decision under delegated authority of the Council under section 34A of the Resource Management Act 1991 as to whether the Plan Change should be declined, approved or approved with amendments.

1.3 PPCH(a) (as notified) seeks to:

- Insert a new schedule into the District Plan: ‘Schedule 4b – Significant Historic Built Heritage – Wider Manawatū District’ consisting of
 - Seventy-two heritage items which have been rolled over from the existing Appendix 1E
 - Eighteen new historic heritage items
 - Items listed in Schedule 4b are identified with either a Category A or B ranking
- Insert new provisions in the Historic Heritage Chapter relating to:
 - The relocation of heritage items
 - Minor external alterations to heritage items (security alarms and lighting, and attachments)
 - External alterations
 - Removal of non-contributing parts of heritage buildings
- Consequential amendments to the following chapters are also proposed to ensure alignment with the changes made to Appendix 1E and the Historic Heritage Chapter:
 - Chapter 2 Definitions
 - Chapter 3D Earthworks
 - Chapter 3E Signs
 - Chapter 3G Relocated Buildings
 - A1 Rules

1.4 We will canvass PPCH(a)’s background in due course. It has been the subject of a section 32 report¹, consultation with stakeholders, and, of course, the public notification and hearing process, culminating in our decision.

1.5 Before setting out the details of PPCH(a), the submissions to it and our substantive evaluation, there are some procedural matters that we will address, beginning with our role as a Hearing Panel.

Role and report outline

1.6 As noted above, our role is to make a decision about the outcome of PPCH(a) on the Council’s behalf. The authority delegated in us by the Council includes all necessary powers under the RMA to hear and decide on the submissions received on the Plan Change.

1.7 The purpose of this report is to satisfy the Council’s various decision-making obligations and associated reporting requirements under the RMA.

1.8 Having familiarised ourselves with PPCH(a) and its associated background material, read all submissions, conducted the site visit and hearing, we hereby record our decision.

¹ Section 32 of the RMA sets out the requirements for preparing and publishing reports that evaluate the appropriateness of a plan change.

1.9 In this respect, our report is broadly organised into the following two parts:

a. Factual context for PPCH(a):

This non-evaluative section (comprising **Section 2** in this report) is largely factual and contains an overview of PPCH(a) and an outline of its background and the relevant sequence of events. It also outlines the main components of PPCH(a) as notified. This background section provides relevant context for considering the issues raised in submissions to PPCH(a). Here, we also briefly describe the submissions received to PPCH(a) and provide a summary account of the hearing process itself and our subsequent deliberations. We also consider here various procedural matters about the submissions received.

b. Evaluation of key issues:

The second part of our report (comprising **Sections 3 to 5**) contains an assessment of the main issues raised in submissions to PPCH(a) and, where relevant, amplification of the evidence/statements presented at the hearing (in **Section 3**). We conclude with our decision (in **Section 5**), having had regard to the necessary statutory considerations that underpin our considerations (in **Section 4**). All these parts of the report are evaluative, and collectively record the substantive results of our deliberations.

2. PLAN CHANGE CONTEXT

Background

- 2.1 PPCH(a) was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 to commence a review of each provision in its District Plan no later than 10 years after the provision was made operative. The Act allows Council to review the District Plan in full or in sections. The Council decided to undertake the review of the District Plan in sections (i.e. a sectional district plan review).
- 2.2 PPCH(a) is a plan change under Manawatū District Council’s Sectional District Plan Review.
- 2.3 This Plan Change follows the adoption of Plan Change 46 ‘Feilding Town Centre’. Plan Change 46 undertook a review of historic heritage located within the Feilding Town Centre, excluding objects and memorials. As part of Plan Change 46, it also inserted a new approach to the District Plan for historic heritage protection, including a new planning framework and the use of a two-tier ranking approach (‘A’ for nationally significant items; ‘B’ for regionally or locally significant items).
- 2.4 In light of the adoption of Plan Change 46, the Council commenced a review of historic heritage located outside of the Feilding Town Centre. This specifically included heritage items listed in Appendix 1E Heritage Places of the District Plan (including one memorial and one object located in the Feilding Town Centre but excluding Marae Buildings) in order to align all historical heritage items with the District Plan with the ‘two-tier’ approach adopted by Plan Change 46.
- 2.5 The Council engaged an Architect and Conservator² to carry out a review of items listed in Appendix 1E and prepare reports on each item with a recommendation for protection (Category A or B) or no further protection. A local historian³ was also engaged to provide additional historical information for some heritage items.
- 2.6 A number of additional heritage items were identified and recommended for inclusion through the review process. The review also identified a number of items that either no longer exist, no longer contain heritage significance, or have been relocated outside of the Manawatū District. These items were therefore recommended to be removed from the District Plan heritage list.
- 2.7 PPCH(a) proposes to insert new provisions to the Historic Heritage Chapter and amendments to Chapter 2 Definitions, Chapter 3D Earthworks, Chapter 3E Signs, Chapter 3G Relocated Buildings, and A1 Rules.

Operative District Plan

² Mr Ian Bowman

³ Val Burr

2.8 The current District Plan became operative on 1 December 2002. As set out in paragraphs 2.2-2.3 above, Council reviewed the heritage buildings that are located within the Feilding Town Centre) as part of Plan Change 46 in 2013/2014. Plan Change 46 became operative on 30 April 2015.

2.9 The following sections in the District Plan are relevant to PPCH(a):

Part 1

- a. Chapter 2: Definitions
- b. Chapter 3D: Earthworks
- c. Chapter 3E: Signs
- d. Chapter 3G: Relocated Buildings
- e. Chapter 4: Historic Heritage
- Appendix

Part 2

- f. Rule A1

Other Proposed Plan Changes to the District Plan

2.10 As set out in paragraphs 2.1 above, the Council is carrying out a sectional district plan review.

2.11 Alongside PPCH(a), the Council have also proposed Plan Change H(b) in relation to Notable Trees.

2.12 Plan Change H(b) does not have any direct relevance, bearing or legal status or weight on our decision to PPCH(a).

Other Non-Statutory Documents

2.13 There are no non-statutory documents considered relevant to this Plan Change.

Plan Change: Reasons, Purpose, Evaluations and Provisions

Purpose and Reasons for the Plan Change

2.14 As notified, PPCH(a) proposed to:

“review the heritage items listed in Appendix 1E – Buildings and Objects with Heritage Value, excluding Marae Buildings. Several new provisions and a new heritage schedule are proposed to Chapter 4: Historic Heritage in the District Plan. PCH(a) is restricted to only heritage items located outside of the Feilding

Town Centre, with the exception of two items. New heritage items are also recommended to be included on the heritage schedule. The plan change removes reference to the Category C ranking and assigns either Category A or B to each heritage item”⁴

2.15 The s32 document states the following purpose of the request as being:

“The purpose of PCH(a) is to enable the Council to better fulfil its obligations under the Act by providing a review and update of the heritage schedule for historic heritage items that are located outside of the Feilding Town Centre (FTC), including Appendix 1E – Buildings and Objects with Heritage Value. The purpose of PC H(a) is to review Appendix 1E and include the necessary amendments to Chapter 4: Historic Heritage, including a new heritage schedule into the District Plan.”⁵

2.16 We note that because the notified version of PPCH(a) did not propose any changes to the objectives of the District Plan, then for the purpose of determining whether the objective of the (Plan Change) proposal is the most appropriate way to meet the purpose of the Act we must, under subsection (6) of s32, treat the purpose, objectives and reasons of PPCH(a) as the relevant objectives of the proposal. We return to this matter in **Sections 3 and 4** of this report.

Evaluations - Section 32 and 32AA Reports

2.17 Before notifying a proposed plan change, the Council is required to prepare an evaluation report in accordance with s32 of the RMA. The Section 32 Reports (September 2022)⁶ evaluated the objectives of the proposal to determine whether they are the most appropriate to achieve the purpose of the RMA.

2.18 Under s32AA, a further evaluation is required for any amendments to PPCH(a) since the original s32 report was completed.

2.19 The initial Manawatū District Plan Change s32 evaluation report section “14.0 Statutory Evaluation” undertook an evaluation of the following criteria:

- a. **Relevance:** Achieves purpose and principles of RMA Addresses a resource management issue Assists Council to carry out its statutory function Within the scope of higher level documents
- b. **Feasibility:** Acceptable level of uncertainty and risk Realistically able to be achieved

⁴ Public notice under Clause 5 of the First Schedule of the Resource Management Act (1991), dated 17 November 2022

⁵ S32 Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated September 2022, Section 4, page 6

⁶ Manawatu District Plan -Proposed Plan Change H(a), Historic Heritage – Wider Manawatu District, s32 Report - September 2022, s32 – Appendix 1: Proposed Chapter, s32 - Appendix 2: Proposed Schedule 4b, s32 – Appendix 3: Recommendations for Schedule 4b, s32 – Appendix 4: C1-19 Churches & Community Buildings, s32 – Appendix 4: H1-14 Town Houses, S32 – Appendix 4: O1-30 Objects & Memorials, s32 – Appendix 4: RB1-8 Rural Buildings, s32 – Appendix 4: RH1-17 Rural Houses

- c. **Acceptability:** Consistent with identified Iwi and community outcomes Will not result in unjustifiably high costs on the community or parts of the community
- 2.20 Given there were no changes proposed to any of the existing objectives in Chapter 4, nor any additional objectives proposed, this assessment was limited and stated that *“The assessment completed at the time the objectives were introduced to the District Plan through Plan Change 46 in 2013/14 remains relevant and appropriate.”*⁷
- 2.21 The s32(1)(b) Evaluation of Provisions (Policies, Rules and Other Methods)⁸ provide an assessment in relation to:
- a. Costs
 - b. Benefits
 - c. Risk or Acting/Not Acting if there is uncertainty or insufficient information about the subject matter of the provisions.
- 2.22 Overall, the s32 report considered that PPCH(a) is the most appropriate option for the following reasons:
- *“PPCH(a) is not inconsistent with higher order documents including national policy statements, environmental standards and regulations, Horizons One Plan, and gives effect to the National Planning Standards;*
 - *PPCH(a) is the most effective and efficient way to achieve the purpose of the Act through enabling people and the community to provide for their well-beings and for their health and safety. It therefore enables the Council to better fulfil its obligations under the Act.*
 - *The plan change removes a substantive part of the existing heritage schedule (Appendix 1E) in the District Plan and proposes a new Schedule 4b for significant historic built heritage in the wider Manawatū District. The schedule is more representative of Manawatū District’s history with the addition of new items and removal of those items which have insufficient heritage values or are now no longer there. Including the specific historic values for each heritage item listed also provides clarity for plan users in relation to what matters about each item.”*⁹
- 2.23 A s32AA assessment (May 2023) was included in the s42A report, resulting from two matters of proposed change to the notified version post submission stage, in relation to:
- a. Relocation Policy HH-P11
 - b. Definition of Non-Contributing Parts to Heritage Buildings
- 2.24 With respect to a. above, the s32AA report concluded that:

⁷ S32 Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated September 2022, Section 16, page 35

⁸ S32 Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated September 2022, Section 17

⁹ S32 Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated September 2022, Section 18, page 61

“The addition of a guidance note at the start of Schedule 4b regarding ‘setting’ will assist with providing clarity in the District Plan given the drafting of the heritage provisions did not address this matter (as outlined in the Section 32 Report). This change aims to provide clarity, avoid confusion and assist in the implementation of the District Plan for plan users.

7.6. The proposed changes also recognise that relocation may need to occur due to a threat of (which is considered wider than ‘imminent danger’), or damage from natural hazards. The use of the term ‘threat’ also reflects issues associated climate change. The recommended changes provide a clearer policy and are considered an efficient and effective means to managing the relocation of heritage items identified in Schedule 4b.”¹⁰

2.25 With respect to b. above, the s32AA report concluded that:

“Overall the changes to non-contributing parts of heritage items recommended in my report are consistent with changes discussed and agreed at the prehearing meeting with HNZPT. I have also provided the changes to NZDF and they have indicated support to these changes. The changes recommended are necessary to provide clarity and certainty for plan users, particularly those heritage items which are private residences. There are benefits to landowners being able to reduce or remove non-contributing parts of a building without resource consent which could result in the heritage values being further enhanced. The requirement for consent in relation to increases in height or footprint is appropriate as additions to buildings can have an adverse effect on the heritage values of the item and should be assessed on their merits.”¹¹

Plan Change provisions (as notified)

2.26 As notified¹², PPCH(a) proposes the following changes to Chapter 4: Historic Heritage:

1. With the exception of Marae Buildings, delete items listed in Appendix 1E – Buildings and Objects with Heritage Value and insert a new schedule of historic heritage items into Chapter 4 entitled: Schedule 4b – Significant Historic Built Heritage – Wider Manawātū District. Each item is assigned either a Category A or B ranking.
2. Insert new policies for: external alterations to non-contributing parts of heritage buildings, and the relocation of heritage items.
3. Insert new rules for Schedule 4b items: minor external alterations to heritage items; signs; external alterations to non-contributing parts of a heritage building; external additions and alterations; relocation on the same site for Category B items; where standards are not met; where activities are not provided for.

¹⁰ S42A Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated May 2023, Section 7, paras 7.5-7.6, page 10

¹¹ S42A Report, Proposed Plan Change H(a) – Historic Heritage – Wider Manawatu District, dated May 2023, Section 7, para 7.21, page 12

¹² Publicly notified on 17 November 2022

4. Insert new standards for: signs to clarify that Rules 3E.4.1 and 3E.4.2 apply; external alterations to non-contributing parts of heritage buildings.
 5. Insert a guidance note to encourage the taking of a photographic record of the heritage item where partial or complete demolition is proposed.
 6. Amend the Planning Maps with symbols to identify heritage items and remove the existing symbols for heritage items that have not been recommended for protection, consistent with the National Planning Standards.
 7. Insert new definitions for ‘Attachment’ and ‘Non-contributing building’.
 8. Consequential changes as required including updating cross referencing of Schedule 4b in chapters Rule A1 General (subdivision and land use) and 3D Earthworks, and new advice notes in Chapter 3E Signs and Chapter 3G Relocated Buildings.
 9. Update information throughout Chapter 4 Historic Heritage, including: replacement of ‘appendices’ with ‘schedules’; insert full name of Heritage New Zealand Pouhere Taonga (HNZPT); clarify which rules apply to Historic Heritage Schedules 4a and 4b; insert explanatory information about Schedule 4b, including that the heritage reports are available on request.
 10. Remove references to Category C in the Explanation listed after Policy 2.5 and update the Explanation.
 11. Amendments to align Chapter 4 Historic Heritage with National Planning Standards, including the removal of Issues, renumbering and re-formatting.
- 2.27 The relevant components of these changes which are subject to submissions (as set out in **Appendix 2**) are considered in detail under the relevant issue in **Section 3** of our report.

Notification and submissions

- 2.28 PPCH(a) was publicly notified on 17 November 2022. The closing date for submissions was 15 December 2022.
- 2.29 A total of six submissions were received by the Council.
- 2.30 A summary of submissions was prepared and subsequently notified for further submissions on 23 February 2023 with the closing date for receiving further submissions being 8 March 2023. Two further submissions were received.

2.31 **Table 1** provides a list of submitters to PPCH(a), together with their broad positions. We provide a full summary of the submissions received in **Appendix 1**, including our decisions on the relief sought by each submitter.

Submissions		
Submission number	Submitter	Position
SO1	S.M and J.M. O’Brien Family Trust	Oppose
SO2	Ministry of Education Te Tāhuhu o Te Mātauranga	Neutral
SO3	Heritage New Zealand Pouhere Taonga	Support/Oppose (Partial) with addendums
SO4	New Zealand Defence Force	Support with addendums
SO5	Historic Places Manawatū-Horowhenua	Support
SO6	Horizons Regional Council	Support
Further Submissions		
FS01	Heritage New Zealand Pouhere Taonga	Opposed to SO1/1 Neutral to SO3/28 Support for SO4/1, 2, 3 & 4 Opposed to SO4/7 & 9 Opposed to SO5/2 Support for SO5/3, 4, 5, 6, 7, 8 Support for SO6/1, 2, 3 & 4
FS02	Horizons Regional Council	Neutral to SO3/28

Table 1: List of submitters to the Plan Change

2.32 Without taking away from the finer detail provided in the submissions, the matters raised in those submissions and further submissions seeking amendments to PPCH(a) fall into one of more of the following categories:

- a. General support for proposed provisions
- b. Amendments to policy wording
- c. Clarification of definitions
- d. Inclusion of additional/amendments to standards
- e. Inclusion of additional sites (Mangaweka Bridge)
- f. Minor corrections to heritage item descriptions
- g. Addition of guidance notes for clarification

2.33 We discuss these issues where relevant (and the submissions underpinning them) in greater detail under our key issue evaluation in **Section 3** of this report below.

Pre-hearing directions and procedures

2.34 Prior to the commencement of the hearing, we issued a minute (**Minute 1**)¹³ to the parties to address various administrative and substantive matters. This minute, and the others we issued through the course of the hearing and deliberations processes are available on Council’s plan change website.¹⁴

2.35 In summary, the pre-hearing minutes addressed the following:

a. Minute 1 (03.05.2023) – this covered:

- i. Introduction of the hearings panel
- ii. Procedural matters;
- iii. Date and venue of the hearing (Wednesday 7 June 2023)
- iv. Circulation dates for evidence before the hearing
- v. Brief summary of the hearing process
- vi. Panels approach to site visits
- vii. Process for further communication and questions

b. Minute 2 (11.05.2023) – this covered:

- i. Request from Council to the format of the hearing;
- ii. Process for further communication and questions

2.36 In the lead up to the hearing, the following reports and evidence were received and made available to all parties in accordance with the timetable:

- a. The s42A officer’s report, prepared by Ms Rochelle Waugh, a planner, dated 22 May 2023, and incorporating:
 - i. Appendix 1: Officer recommendation in response to submissions
 - ii. Appendix 2: Historic Heritage Chapter showing officer recommendations
 - iii. Appendix 3: Schedule 4b showing officer recommendations
 - iv. Appendix 4: Chapter 2, Chapter 3D, Chapter 3E, Chapter 3G, A1 Rules, Appendix 1E, showing officer recommendations
 - v. Appendix 5: Statement of Evidence of Ian Bowman

¹³ Minute 1 issued 3 May 2023

¹⁴<https://www.mdc.govt.nz/services/planning/district-plan/plan-changes/plan-change-ha-historic-heritage>

- vi. Appendix 6: HH Recommended Change New Structure Other Chapters Consequential Changes
 - vii. Appendix 6: Historical Heritage New Chapter Structure
 - viii. Appendix 7: Pre-hearing Notes and Information PCH(a)
 - ix. Appendix 7: Minutes from Prehearing Meeting HNZPT 26 April 2023
 - x. Appendix 8: Photographs of examples of non-contributing parts to heritage buildings in Schedule 4b.
- b. Other material that was circulated prior to the hearing included:
- i. A letter from Heritage NZ to the Hearings Panel, dated 29 May 2023;
 - ii. A letter from the S.M and J.M O’Brien Trust to the Hearings Panel, dated 30 May 2023;
 - iii. Email correspondence between Ryan O’Leary and Dean Raymond from Rochelle Waugh, dated 29 May 2023.
- c. In response to Expert Evidence the following was submitted to the Hearings Panel
- i. Statement of Evidence – Response to Expert Evidence of Rochelle Waugh, dated 2 June 2023.
- 2.37 No other expert evidence was received on behalf of submitters either during the lead up to or during the course of the hearing.

The Hearing (7 June 2023)

- 2.38 The hearing commenced at 10:00 am on Wednesday, 7 June 2023.
- 2.39 All the documents referred to in this section are available on the council file and [web page](#).
- 2.40 At the outset of proceedings, we outlined the manner in which we expected the hearing to be conducted and called for appearances and introductions from the attendees. We also set out a range of procedural matters and outlined our role.
- 2.41 No procedural matters were raised during the course of the hearing that we were obliged to make a finding on.
- 2.42 We heard from the following people at the hearing:

Council s42A Advisors

- Ms Rochelle Waugh, Consultant Planner
- Mr Ian Bowman, Consultant Heritage Architect and Conservator

Submitters

- Shane O’Brien and Hamish O’Brien of the S.M and J.M O’Brien Trust

Hearing adjournment and post-hearing

2.43 After Ms Waugh provided her right of reply, we adjourned the hearing on 7th June 2023.

2.44 We closed the hearing on 12th June 2023.

3. EVALUATION

Overview

- 3.1 For the purpose of this evaluation, we have grouped our discussion based on the matters that remained in contention by the time of the hearing – rather than assessing each issue on a submitter-by-submitter basis. Our decision should be read in conjunction with the s42A report which addresses all the submissions and further submissions received on PPCH(a).
- 3.2 The s42A report provides a comprehensive summary of submissions made on PPCH(a) and the issues raised in those submissions. The s42A report summarises the submission points and assesses them in both the body of the s42A report and in Appendix 1 to the report. The s42A report itself focuses on the outstanding issues in contention, while Appendix 1 records Ms Waugh’s recommendations in respect to the other submission points, which she agrees to and has recommended acceptance of.
- 3.3 To avoid unnecessary repetition or duplication, we have adopted the approach of focusing our written analysis on:
- the outstanding matters in contention at the hearing
 - material provided to us by submitters
 - any alteration to the s42A authors’ recommendation as part of their right of reply.
- 3.4 It follows that where we accept the recommendation in the s42A report or reply report that PPCH(a) provisions should be amended, we accept and adopt the evaluation contained in the s42A Report or reply report for the purposes of s32AA of the RMA unless otherwise stated. We have not produced a separate evaluation report under s32AA; rather we have incorporated any necessary s32AA evaluation into our assessment and decision.
- 3.5 The letter from Heritage NZ to the Hearings Panel¹⁵ outlined that they no longer sought the scheduling of the Mangaweka Bridge as part of PPCH(a). Accordingly, we are not required to make a decision on that part of their submission and do not consider it further.
- 3.6 By the time of the hearing, the only matter left in contention was Relocation Policy HH-P11, which was submitted on by the S.M and J.M O’Brien Trust and Heritage NZ. S.M and J.M O’Brien Trust opposed Policy HH-P11 as notified, while Heritage NZ supported it.
- 3.7 The relief sought in the submissions, the outcomes from the pre-hearing meetings held between the submitters and the Council and Ms Waugh’s recommended amendment in response are set out in paragraphs 6.5 to 6.21 of Ms Waugh’s s42A report.

¹⁵ Dated 29 May 2023

- 3.8 The letter from Heritage NZ to the Hearings Panel¹⁶ outlined that they:
- Agreed with the comments in the s42A report that relocation is preferred to demolition; and
 - Were neutral to the alternative wording proposed by Ms Waugh in her email dated 29 May 2023.
- 3.9 The letter from the S.M and J.M O’Brien Trust to the Hearings Panel¹⁷ advised that they were neutral to the alternative wording proposed by Ms Waugh in her email dated 29 May 2023.
- 3.10 In her email of 29 May 2023 and in her response to expert evidence dated 2 June 2023, Ms Waugh proposed the following wording for HH-P11:

To only allow relocation of heritage items listed in Schedule 4b where it can be demonstrated that:

- a. The relocation is necessary to save the heritage item and protect the heritage values from the threat of, or damage from natural hazards; or
- b. The relocation will protect the heritage values and significance of the heritage item, as confirmed by a suitably qualified heritage expert.

- 3.11 Ms Waugh did not propose any further amendments through the hearing process. At the hearing, Mr S O’Brien confirmed that he was happy with the Policy as set out in Ms Waugh’s evidence of 2 June 2023. He was able to explain to the Panel that the Trust’s primary concern was to ensure that their scheduled item at 320 Kimbolton Road would be able to be relocated to enable its heritage values to be protected, rather than lost or degraded through potential development surrounding it.
- 3.12 There being no contention remaining, we adopt the revised drafting recommended by Ms Waugh for the reasons she has provided in her s42A report and response to expert evidence. We are satisfied that the recommended rewording is the most appropriate means of achieving the relevant objectives of the District Plan and PPCH(a) itself and that it meets the other relevant statutory tests.

Other matters

- 3.13 At the beginning of the hearing, Commissioner Sweetman queried how an owner of a heritage building or a council officer considering a building consent would know if a part of a heritage building is a non-contributing part or whether it contained heritage values, to be able to determine whether it achieved permitted activity status under HH-R1. Ms Waugh addressed this verbally at the hearing and in more depth in her right of reply, proposing a guidance note as follows:

HH-R1 External alterations to, or the removal of non-contributing parts of a heritage building listed in Schedule 4b.

Guidance note:

¹⁶ Dated 29 May 2023

¹⁷ Dated 30 May 2023

Plan users are advised to refer to the relevant heritage reports referenced in Schedule 4b that are available from Council on request. These reports provide greater details on heritage values than what is provided in Schedule 4b.

- 3.14 We are satisfied that this guidance note will improve the workability of HH-R1. We consider that this guidance note is a consequential amendment to the amended definition of non-contributing buildings (as amended to non-contributing parts of heritage buildings) in response to S03/2 from Heritage New Zealand. We are satisfied that the recommended rewording is the most appropriate means of achieving the relevant objectives of the District Plan and PPCH(a) itself and that it meets the other relevant statutory tests.

Overall evaluation

- 3.15 The Panel notes that there was no dispute from submitters that PPCH(a) did not give effect to any relevant national or regional policy statements or national environmental standards, was inconsistent with any regional plan or did not achieve the objectives of the District Plan. No submitters raised any other statutory documents that PPCH(a) was inconsistent with that we may have regard to. There was no contention overall that the proposal was not the most appropriate means of achieving the purpose of the Act, nor that it was not in accordance with the functions of the Council. Accordingly, we find that PPCH(a) meets the relevant statutory tests under the RMA.

4. CONCLUSION

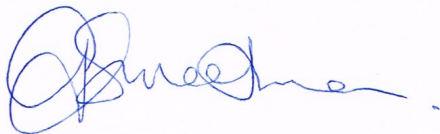
4.1 PPCH(a) seeks to:

- Insert a new schedule into the District Plan: ‘Schedule 4b – Significant Historic Built Heritage – Wider Manawatū District’ consisting of
 - Seventy-two heritage items which have been rolled over from the existing Appendix 1E
 - Eighteen new historic heritage items
 - Items listed in Schedule 4b are identified with either a Category A or B ranking
- Insert new provisions in the Historic Heritage Chapter relating to:
 - The relocation of heritage items
 - Minor external alterations to heritage items (security alarms and lighting, and attachments)
 - External alterations
 - Removal of non-contributing parts of heritage buildings
- Consequential amendments to the following chapters are also proposed to ensure alignment with the changes made to Appendix 1E and the Historic Heritage Chapter:
 - Chapter 2 Definitions
 - Chapter 3D Earthworks
 - Chapter 3E Signs
 - Chapter 3G Relocated Buildings
 - A1 Rules

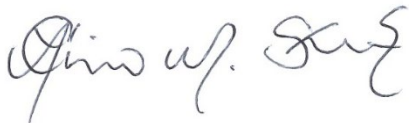
4.2 Based on our evaluation of the matters raised in the submissions, including the section 32 evaluation report and the section 42A report and evidence presented at the hearing, we find that PPCH(a), as amended in response to submissions, to be the most appropriate means of achieving the purpose of the Act. We also find it to be consistent with the Council’s statutory functions under s31 of the RMA.

5. DECISION

- 5.1 For the reasons outlined in this decision, we, on behalf of the Council:
- (a) Pursuant to s32(2)(a) of the RMA, adopt the evaluation of PPCH(a) contained within this decision, including the conclusion that PPCH(a) is the most appropriate means of achieving the objectives of the District Plan, and in doing so, achieving the overall purpose of the RMA.
 - (b) Pursuant to Clause 10 of Schedule One of the RMA, approve PPCH(a), subject to the amendments outlined in this decision and as set out in Appendices 2 to 4.
 - (c) Accept, accept in part or reject the submissions for the reasons outlined in this decision, as set out in Appendix 1.



Gina Sweetman, Independent Commissioner



Alison Short

Dated this 7 July 2023