

Statement of Evidence for Plan Change H(a) Historic Heritage

BEFORE THE HEARINGS PANEL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change H(a):
Historic heritage

Manawatū District Council

STATEMENT OF EVIDENCE BY

Rochelle Waugh

Dated: 22 May 2023

1. Introduction

- 1.1. My name is Rochelle Lynley Waugh. I have over 18 years' experience as a planner and have worked for various local authorities and recently Manawatu District Council as a contracted planner. I have a Masters Degree in Resource and Environmental Planning from Massey University. I am a Full – Partially Active member of the New Zealand Planning Institute. I have been engaged by Manawatu District Council to assist them with this Plan Change.
- 1.2. I have worked on a number of plan changes for the Palmerston North City Council, including plan effectiveness monitoring, and have processed resource consent and Notice of Requirement applications for that Council. I have also worked on plan changes for the Manawatu District Council. I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
- 1.3. The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised through submissions.
- 1.4. I have read the Code of Conduct for Expert Witnesses (2023) and I agree to comply with this Code of Conduct. The evidence is within my area of expertise, except where I state I am relying on evidence from another expert. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 1.5. The Council has commissioned the following technical expert to provide evidence for this Hearing:
 - Mr Ian Bowman, Architect and Conservator.
- 1.6. The following is a list of abbreviations and acronyms have been used in my report:
 - PPCH(a) - Proposed Plan Change H(a): Historic Heritage.
 - RMA or the Act – Resource Management Act 1991.
 - Plan – District Plan.
 - Council – Manawatū District Council.
- 1.7. This report outlines:
 - The submissions and further submissions received.
 - Identifies areas which remain in dispute.
 - An assessment of the submissions.
 - A recommendation for the submissions received.
 - Whether any changes to the District Plan are proposed as a result of the submissions and an additional assessment under S32AA of the Act.
- 1.8. The following appendices are also included:
 - Appendix 1 – Officer Recommendations in response to submissions.
 - Appendix 2 – Historic Heritage Chapter showing officer recommendations.
 - Appendix 3 – Schedule 4b showing officer recommendations.
 - Appendix 4 – Chapter 2 Definitions (in part); Chapter 3D Earthworks (in part); Chapter 3E Signs (in part); Chapter 3G Relocated Buildings (in part); A1 Rules (in part) showing officer recommendations.
 - Appendix 5 – Statement of Evidence by Ian Bowman.
 - Appendix 6 – Recommended changes shown in the new District Plan structure for Historic Heritage being introduced shortly.
 - Appendix 7 – Prehearing notes circulated and agreed with HNZPT, Mr O'Leary acting on behalf of S.M and J.M O'Brien Family Trust, the New Zealand Defence Force, and Horizons Regional Council.
 - Appendix 8 Photographs of examples of non-contributing parts to heritage buildings in Schedule 4b

- 1.9. The Hearing Panel have been provided with a submissions bundle. I have therefore not provided copies of all submissions and further submissions as part of my evidence.

2. Background

- 2.1. Proposed Plan Change H(a) Historic Heritage (PPCH(a)) was prepared and notified in accordance with Section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan. PPCH(a) is a plan change under Manawatū District Council's Sectional District Plan Review.
- 2.2. As outlined in the Section 32 Report (under the heading: Scope of PPCH(a) (page 1)), in 2013/2014, the Council undertook a review of historic heritage located within the Feilding Town Centre, excluding objects and memorials, as part of Plan Change 46 'Feilding Town Centre'. Plan Change 46 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).
- 2.3. Following the adoption of Plan Change 46, the Council commenced a review of historic heritage located outside of the Feilding Town Centre, specifically the 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). As part of this work, the Council engaged Mr Ian Bowman to review the items listed in Appendix 1E and to prepare reports on each item with a recommendation for protection (Category A or B) or no further protection. Val Burr, a local historian, was also engaged to provide additional historical information for some heritage items. A number of additional heritage items have been identified through the technical reports by Mr Bowman and Mrs Burr and these are recommended to be included in the new heritage Schedule 4b. The review of Appendix 1E has also identified a number of items that either no longer exist, no longer contain heritage significance, or have been relocated outside of the Manawatu District and these have been recommended to be removed from the District Plan heritage list.
- 2.4. 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. Heritage items included in Schedule 4a (Significant Historic Built Heritage – Feilding Town Centre) are not part of this plan change.
- 2.5. PPCH(a) proposes new provisions relating to the relocation of heritage items, minor external alterations to heritage items (security alarms and lighting, and attachments), and external alterations and removal of non-contributing parts of heritage buildings. These provisions recognise that the heritage items located outside of the Feilding Town Centre (e.g. houses, churches, community buildings, objects and memorials – the majority of which are located in rural or residential areas) have different issues that need to be appropriately managed under the RMA, compared to commercial buildings with heritage significance in the Feilding Town Centre.
- 2.6. Plan Change H(a) is consistent with the direction of Horizons Regional Council's One Plan, particularly Objective 6-3, Policies 6-11 and 6-12, and Objective 3-2 and Policy 3-7.
- 2.7. Amendments to Chapter 2 Definitions, Chapter 3D Earthworks, Chapter 3E Signs, Chapter 3G Relocated Buildings, and A1 Rules are also proposed to assist with workability of the Plan and to provide greater certainty to the District Plan user.
- 2.8. Further detailed description of the changes proposed by PPCH(a) is contained in the Section 32 Report.

3. Submissions

- 3.1. Council notified PPCH(a) on 17 November 2022. Submissions closed on 15 December 2022. A total of six submissions were received by the closing date. Council received submissions from the following parties.

Original Submitter	
S1	S.M and J.M. O'Brien Family Trust
S2	Ministry of Education Te Tāhuhu o Te Mātauranga
S3	Heritage New Zealand Pouhere Taonga
S4	New Zealand Defence Force
S5	Historic Places Manawatu-Horowhenua
S6	Horizons Regional Council

- 3.2. Further submissions were notified on 23 February 2023. Two further submissions were received by the closing date of 8 March 2023 from the following parties:

Further Submitter	
FS01	Heritage New Zealand Pouhere Taonga
FS02	Horizons Regional Council

4. Analysis of Submissions

- 4.1. Before a Plan Change can be incorporated into a District Plan, it must fulfil a number of statutory requirements set down in the RMA, including:
- Part 2, comprising Section 5, *Purpose and Principles of the Act*; Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
 - Section 31 *Functions of Territorial Authorities*;
 - Section 32 *Duty to consider alternatives, assess benefits and costs*;
 - Section 32AA *Requirements for undertaking and publishing further evaluations*;
 - Section 74 *Matters to be considered by territorial authorities*; and
 - Section 75 *Contents of district plans*.
- 4.2. The assessment of the Plan Change must also include an evaluation of the provisions of PPCH(a) to determine their appropriateness. I consider this has been completed through the Section 32 Report prepared for this Plan Change.
- 4.3. A copy of all submission points and my comments and recommendations in response to each submission point are found in Appendix 1.
- 4.4. The section 32 report has not been reproduced in my evidence; but can be found in the bundle of material notified as PPCH(a).
- 4.5. The focus of this report is to assess the issues raised in submissions on PPCH(a) to determine whether the decisions requested are appropriate, taking into account:
- Good planning practice.
 - The requirements of the RMA, and

- The relationship with the broader planning framework under the District Plan and its implementation and consistent administration.
- 4.6. Where I have recommended substantive changes to provisions, I have assessed those changes in terms of s32AA of the RMA in my evidence below (refer section 7).
- 4.7. To assist the hearing panel, I have produced revised provisions as follows:
- Appendix 1 – Officer Recommendations in response to submissions.
 - Appendix 2 – Historic Heritage Chapter showing officer recommendations
 - Appendix 3 – Schedule 4b showing officer recommendations
 - Appendix 4 – Chapter 2 Definitions (in part); Consequential changes to Chapter 3D Earthworks (in part); Chapter 3E Signs (in part); Chapter 3G Relocated Buildings (in part); A1 Rules (in part) showing officer recommendations
 - Appendix 6 – Recommended changes shown in the new District Plan structure for Historic Heritage being introduced shortly. Note this version is provided for information only to show how the proposed changes would be viewed under the new structure.
- 4.8. Reference to the submission number for each recommended change is included as a footnote to assist the Hearing Panel identify under which submission changes are being made.

5. Prehearing Meetings

- 5.1. To assist in understanding the substantive matters raised in submissions and to seek clarity about what changes were being sought, Prehearing Meetings have been held with the following submitters:
1. Ryan O’Leary of The Property Group on behalf of S.M and J.M. O’Brien Family Trust
 2. Heritage New Zealand Pouhere Taonga
- 5.2. These meetings have been particularly useful in clarifying and narrowing issues and has assisted me in preparing the recommendations within my report. As a result of the prehearing meetings there are some matters that have been resolved, and drafting changes agreed. These are discussed in the Officer Comments in Appendix 1. In the case of the prehearing meeting with Heritage NZ notes from the prehearing were circulated and agreed given the number of different issues canvased. The notes can be found in Appendix 7.

6. Issues outstanding

- 6.1 To avoid duplication, I do not repeat all submissions in the body of my evidence below. The matters or topics identified in the table below are those that I consider to be in ‘dispute’ or unresolved. By this I mean where there remains a difference of opinion between the parties. Discussion and recommendations on all submissions are contained in Appendix 1.
- 6.2 There is one matter of correction that I also cover at the end of this section. An error in coding has been identified and is a minor change that should be corrected.
- 6.3 It is noted that there is support for many of the provisions within PPCH(a) where submitters seek retention of the provisions as notified.

Topic/ Matter	No.	Section of the Plan	Submitter
Relocation of heritage items	1	Relocation Policy HH-P11	S01/1 S03/6 FS01/01

Topic/ Matter	No.	Section of the Plan	Submitter
Mangaweka Bridge	30	Schedule 4b	S03/28 FS02/01

6.4 I cover these matters of dispute below.

Relocation of Buildings – HH-P11

- 6.5 S.M and J.M. O'Brien Family Trust oppose Policy 11 (HH-P11) as the policy is too limited and did not provide for the consideration of the relocation of heritage items to be balanced against other resource management issues (Policy 7 - HH-P7). They were concerned that with the proposed policy, more onerous provisions would apply to the relocation of buildings which could see demolition of a heritage building being a more attractive option than relocation. They were concerned that the wording of HH-P7 may result in relocation no longer being viewed as a 'reasonably practicable option' because of the directive nature of HH-P11. The submitter is also concerned that 'imminent danger to natural hazards' is considered to be too limited and it does not allow applicants to consider natural hazards that are likely to cause future danger.
- 6.6 Heritage New Zealand Pouhere Taonga (HNZPT) submitted in support of the policy that was notified (HH-P11), and lodged a further submission in opposition to the S.M and J.M. O'Brien Family Trust submission.
- 6.7 A pre-hearing meeting was held with the agent for S.M and J.M. O'Brien Family Trust (Ryan O'Leary, The Property Group) to discuss the submission and to provide further clarity on the nature of their submission. Concern was raised about an unintended consequence where demolition might be viewed as an easier option than relocation, given the tighter wording of clause HH-P11 c) in the notified plan change.
- 6.8 As I discussed in the prehearing meeting, the intention of HH-P11 is not to provide an easier pathway for demolition than for relocation of a heritage item. The relocation of a heritage item to another site and the continued protection of those built heritage values is a better outcome than demolition of that item. On reflection as a result of the submissions, the wording of HH-P11, clause c. is considered to be unnecessarily onerous for an applicant to prove that relocation is the only option to protect the heritage values. The interpretation of the plan provisions that the policy guidance for demolition could be seen as a more favourable option is not the intent of the proposed provisions. Under first principals, because HH-P11 is specific to the matter of relocation, this would have more weight than the more general policies such as HH-P7. Policy HH-P7 requires the protection of heritage values to be balanced with other resource management issues and public safety concerns while having regard to (amongst others) the economics of a range of reasonably practicable options.
- 6.9 The issue of HH-P11 was also discussed with HNZPT and there was agreement that relocating an item in Schedule 4b is preferred over demolition.
- 6.10 As a result of the prehearing meetings and discussions with Mr Bowman I have recommended a number of amendments to HH-P11 which seek to:
- Be more direct to the matter of relocation, rather than 'works' which could be interpreted to have different meaning in the future
 - Identify a less onerous pathway for relocation where relocation is not the only practicable option but is considered to be a reasonable option to avoid demolition
 - Identify that relocation is preferred over demolition
 - Ensure the protection of heritage values is considered in each clause (a. and b.)
 - Recognise issues associated with a threat of, or damage from natural hazards (which is more encompassing in consideration of a threat of, as well as damage from, natural hazards).
- 6.11 The recommended changes to HH-P11 that were circulated to Mr O'Leary on 17th April 2023 were as follows:

~~“HH-P11 To restrict the relocation of a heritage item in Schedule 4b except where it can be demonstrated that:~~

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

- ~~a. The work relocation is necessary to save the heritage item and protect the heritage values from the threat of, or damage from imminent danger to natural hazards; or~~
- ~~b. The work relocation will protect the heritage values and significance of the heritage item identified in Schedule 4b, and~~
- ~~c. In the case of relocation to another site, a comprehensive alternatives assessment has been completed by a suitably qualified heritage expert and relocation is demonstrated to be the only practicable option. alternatives to relocation have been explored and relocation is considered by Council to be a reasonable option to avoid demolition.”~~

- 6.12 I note that further discussion with HNZPT and Ian Bowman agreed on replacing the term ‘Council’ in clause c. with ‘suitably qualified heritage expert’ which was used in the notified version, given that there are no heritage experts who work at the Council in comparison to other councils like Wellington City Council.
- 6.13 Mr Bowman covers these recommended changes in his evidence at paragraphs 26-29. Mr Bowman states that the amendments to HH-P11 a) enable danger to be taken into account from non-imminent natural hazards such as a heritage item on a flood plain. In his evidence (paragraph 26), Mr Bowman agrees with the revised changes to HH-P11 and states that a built-heritage expert will have the qualifications, knowledge and experience to give appropriate advice to the Council.
- 6.14 Mr O’Leary provided comments on the changes recommended to HH-P11 on 11th May 2023 and stated that the changes are much clearer and improved and additions/clarifications to be generally positive. However he still has concern about clause c) in that it limits relocation to only where it avoids demolition. Mr O’Leary has commented that HH-P11 c) is to be met in addition to either a) or b). In my opinion, HH-P11 a) is a standalone clause, and enables relocation if it is necessary to save the item and protect heritage values from the threat of, or damage from natural hazards, but c) isn’t required if a) applies.
- 6.15 HH-P7 is quoted by Mr O’Leary as having a more balanced approach to historic heritage protection and other resource management issues and public safety concerns. HH-P7 was inserted into the District Plan as part of Plan Change 46 in 2014 which focused on the historic heritage in the Feilding Town Centre and considers issues surrounding public safety, adaptive reuse, and the economics of options.
- 6.16 Mr O’Leary has questioned if there is any thought for other reasons for relocation of an item to another site as he considers that clause c) requires evidence to state that demolition is *likely*, therefore relocation will ensure this is avoided.
- 6.17 In my opinion, if there is a proposal to use land subject to a heritage item for a different use or intensity of use to what is currently there, the realistic options for that heritage item is to retain the item onsite at the existing location, to relocate the item within the site or off site, or to propose to demolish the item so that full use of the site is enabled. The preference in terms of heritage protection is to retain the historic values of the heritage items and HH-P11 c) enables that to occur. The amendment at the end of HH-P11 c) ‘to avoid demolition’ was added in agreement with HNZPT and Mr Bowman, and signals that relocation of a heritage item is a preferred outcome rather than demolition.
- 6.18 I note that PPCH(a) introduces a new restricted discretionary rule for the relocation within the site of a Category B heritage item listed in Schedule 4b (HH-R15), with matters of discretion relating to whether the relocation is necessary due to threats from natural hazards, opportunities to enhance the heritage values, and measures to minimise the risk of damage to the item. Overall, I do not see that further changes to HH-P11 are necessary or warranted.

- 6.19 In response to Mr O’Leary’s suggestion that HH-P11 c) could be expanded on, I followed up with Mr O’Leary on 11 May 2023 for his suggestions on possible wording. At the time of finalising my evidence, he has not provided any suggestions regarding how this might occur. As such, I do not recommend any further amendments to HH-P11 c) at this point. I can provide an update at the hearing on any progress made on this matter.
- 6.20 At the pre-hearing meeting, Mr O’Leary also requested clarity on the consideration of settings in a relocation proposal. On the basis the Hearing Panel accept this is within the scope of the submission, a guidance note is recommended to Schedule 4b to clarify that the historic heritage chapter focuses on ‘built heritage’ and has not included the identification of settings for each heritage item, which is reflected in the Section 32 Report (pages 1-2).
- 6.21 Based on the above assessment, I recommend changes to HH-P11 as outlined above and shown in Appendix 1. I do not consider there are any additional changes required in terms of the submission reference to HH-P11.

Mangaweka Bridge

- 6.22 HNZPT (S03/28) have requested the inclusion of the Mangaweka Bridge in Schedule 4b. Their submission states that the structure is included in the Heritage New Zealand List / Rārangī Kōrero: (List No. 9746) as a Category 2 historic place. A nomination was made in 2018 for the Mangaweka Bridge to be classified as Category 1 on the Heritage New Zealand List / Rārangī Kōrero. In October 2022, the Infrastructure Team of Council was informed that the inclusion of the bridge on the Heritage New Zealand List / Rārangī Kōrero was to be further delayed¹.
- 6.23 By way of background, I understand that in 2015, a heritage report for the Mangaweka Bridge was prepared by Ian Bowman and Val Burr which concluded that the bridge was nationally significant as the first and only steel cantilever road bridge in New Zealand. This heritage assessment uses three different groups of assessment criteria which are similar to the District Plan assessment criteria outlined in Policy 1 (HH-P1), which is required to be considered for inclusion of items in Schedule 4b.
- 6.24 I understand that in 2017 both Rangitikei and Manawatu District Councils agreed to build a new bridge downstream of the existing Mangaweka Bridge. The following Manawatu District Council resolutions were made in relation to the Mangaweka Bridge:
- Council meeting held 22 August 2019:
- “That the Council retains the Mangaweka Bridge as a walking and cycling facility”.*
- Council meeting held 17 December 2020:
- “That the Council enters into the “Memorandum of Understanding in respect of the prospective management and adaptive re-use of the Historic Mangaweka Bridge”.*
- 6.25 I understand that there is a new local heritage group – the Mangaweka Heritage Incorporation (MHI) which is involved in looking at the future management and operation of the old bridge. The Memorandum of Understanding (MoU) referenced above sets out the roles and responsibilities of both councils and the Incorporation in terms of management of the bridge, and how potential rights and management obligations of the bridge may be transferred to the MHI. There is no reference to heritage protection in this MoU except that if the councils are satisfied that the MHI has the ability to take on responsibility and liability of the bridge, that the MHI has to prepare a Conservation Plan for the bridge within six months of the bridge being handed over to the MHI. However the Conservation Plan is only needed if the bridge becomes heritage listed (clause 7.5). I note that there is no clarity over what type of listing (HNZPT or District Plan) this refers to. At the time of preparing my evidence I have no clarity on the status of the MoU and the transfer of roles and responsibilities. There have been no additional council resolutions in relation to the Mangaweka Bridge since those noted above.

¹ Following the prehearing meeting HNZPT confirmed that the bridge is not yet included on the Heritage New Zealand List / Rārangī Kōrero list, but is on the agenda for prioritisation in the next financial year (July 2023 – June 2024).

- 6.26 In relation to the submission by HNZPT, it is my opinion that the inclusion of the Mangaweka Bridge in Schedule 4b is out of scope of PPCH(a). The Mangaweka Bridge was not included at the time the plan change was notified. Case law is clear that submissions in scope are those that relate to what has been notified. In this instance the Mangaweka Bridge was not listed as a heritage item in PCCH(a), nor was the listing of the Mangaweka Bridge raised through correspondence or discussions between the Council and HNZPT during the PPCH(a) preparation. The first mention of the Mangaweka Bridge being included was under the formal submission that was received from HNZPT on the notified PPCH(a) in December 2022.
- 6.27 Preparation of PPCH(a) has involved ongoing consultation with heritage item owners and affected/interested parties a number of times through the plan change process, including (refer to my Section 32 Report for a fuller description):
- May 2021 – information sent to HNZPT to outline the general approach and to seek an update on the listing of new items for the Heritage New Zealand List / Rārangi Kōrero.
 - September 2021 – Initial contact with heritage item owners to inform them about the plan change process and that further consultation was to occur.
 - December 2021 – February 2022: Draft heritage reports were sent to heritage item owners / affected parties to seek comments on the content of the heritage reports as well as the existing District Plan provisions for protection of that item.
 - November 2022 – public notification of PPCH(a) where all heritage item owners, interested and affected parties and statutory agencies were notified of the plan change.
- 6.28 I note that consultation at both draft and notified stages of the plan change process hasn't excluded involvement from the wider community through newspaper public notices and Council website information (however, feedback and submissions have only been received from those who have been directly notified). As stated in the chronology outlined in the Section 32 Report (page 28), many of the heritage item owners were also contacted in 2014/2015 and 2017/2019 where Ian Bowman and Val Burr undertook site visits to assess heritage significance. It is my opinion that ongoing, thorough consultation has taken place with heritage item owners and affected/interested parties throughout the development of the plan change but this level of engagement has not occurred with affected or interested parties in relation to the Mangaweka Bridge. Including the Mangaweka Bridge on Schedule 4b at this point in the process raises principles of natural justice.
- 6.29 A further complicating factor is that the bridge spans both Manawatu and Rangitikei District jurisdictions (with a larger portion of the bridge located in the Rangitikei than the Manawatu District). I note that the Rangitikei District Plan does not list the Mangaweka Bridge as a heritage item. It is my opinion that listing the bridge as a heritage item requires a joint approach with both councils to protect its heritage values. Given that both councils have determined that the bridge remains as a functional bridge (for pedestrian and cycling activities), consideration also needs to be given to whether any bespoke District Plan provisions are required for protecting heritage values on the functioning bridge. Of relevance here is the further submission by HRC noting they have river monitoring infrastructure on the bridge which they consider to be a non-contributing part of the structure.
- 6.30 In my opinion, the most appropriate way forward is to recommend to the Council that the Mangaweka Bridge is considered for inclusion in Schedule 4b through a separate plan change process undertaken as a joint project with Rangitikei District Council (RDC). Given the bridge extends into both council jurisdictions it does not make sense for one side to be protected in the Manawatu District Plan while the other side is not. Therefore considering the whole bridge as a heritage item needs to be progressed outside of this plan change process. In preparing my evidence, I have spoken with the Senior Strategic Planner at RDC and the Principal Planner at the Council and they have indicated that a joint approach to scheduling the bridge is supported. This separate process will also enable consultation with the local community, affected and interested parties, and to ensure that the bridge is managed and protected appropriately. It would also allow any agreements in terms of the MoU to be considered and reflected within the District Plan. On that basis I recommend to reject the submission from HNZPT to include the Mangaweka Bridge in the list of heritage items.

Minor Amendment to Coding of Heritage Item RB7 – West House, 1592 Rongotea Road

- 6.31 A minor amendment is needed to Schedule 4b in terms of the coding of RB7 – West House, 1592 Rongotea Road and where this item sits within the heritage schedule. It has been identified that RB7 is sitting in error within the Rural Buildings section in Schedule 4b, when it should be sitting in the Rural Houses section and therefore be coded with RH. I recommend that RB7 be recoded to RH18 and be relocated to the section for Rural Houses in the Schedule. A consequential amendment to the numbering of RB8 (Former RNZAF Operations Room) is also needed which is recommended to become RB7. I consider this is a minor change and does not impact on how the policies and rules, as notified, would apply. The recommendation has been shown in Schedule 4b in Appendix 2 of my report.

7. Statutory Considerations

- 7.1. Under Section 32AA of the Act any proposed changes are required to be subject to further evaluation. As a result of considering the various submission points, I have set out a number of recommended changes throughout my assessment of submissions in Appendix 1. Rather than repeat the reasons and evaluation for each of the changes in this section, I have included my additional assessment under each of the provisions in the table. This approach is considered appropriate to reflect the scale and significance of the changes relating to the decisions requested by the submissions.
- 7.2. The majority of changes recommended in Appendix 1 are to improve the certainty and clarity of the provisions for plan users or amend unintended consequences resulting from drafting. Unless otherwise stated in Appendix 1 or in this report, the original assessment in the section 32 report still applies and no changes are considered necessary, including the Statutory Evaluation section.
- 7.3. There are two matters, relocation policy and non-contributing parts to heritage of buildings, where more substantial changes are recommended. For both matters, these changes have been agreed with HNZPT. The following additional evaluation in terms of S32AA is provided below.

Relocation Policy HH-P11

- 7.4. As outlined above, the notified policy provided a potentially more onerous pathway for relocation of a heritage item than for demolition. The intention of the policy is to provide guidance about when the relocation of a heritage item is appropriate, and making it clear that relocation is preferred over demolition. The revised policy provides a clearer and more achievable pathway for relocation to occur which will enable the heritage values of an item to be retained. This means that while consent is still required, the level of information (costs) is not as extensive as previously drafted. The recommended policy gives owners more guidance and consent planners a clear direction that relocation is favoured over demolition.
- 7.5. 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.

Definition of Non-Contributing Parts to Heritage Buildings

- 7.7. HNZPT submitted in opposition to the definition for Non-Contributing Parts of Heritage Buildings that was notified. They are concerned that parts of a building which may not be original, but still have high heritage value, could be interpreted as 'non-contributing' and might be removed or

adversely altered. HNZPT refer to the ICOMOS New Zealand Charter which encourages the valuing of different periods of a building's history. They submitted that non-contributing parts of buildings could be identified specifically in the District Plan schedule and request that the definition is deleted.

- 7.8. The New Zealand Defence Force (NZDF) support the definition for 'Non-Contributing Building', subject to a minor amendment which I have recommended is accepted (refer to S04/9 in Appendix 1). Historic Places Manawatu-Horowhenua also support enabling minor alterations to more modern parts of existing heritage buildings where they are not constructed in the same style, materials or finishes as the original (i.e. non-contributing parts).
- 7.9. The concept of 'non-contributing parts to buildings' was first raised in Clause 3 consultation on draft Plan Change H(a) where building owners were opposed to heritage protection unless changes to parts of buildings that do not hold heritage value were able to be undertaken without a resource consent. Owners also wanted more certainty and less discretion in the consent process (hence the recommended change from discretionary to restricted discretionary status for additions and alterations to heritage buildings in Schedule 4b).
- 7.10. As stated earlier, a number of these buildings include private dwellings which are listed in the operative District Plan as Category C where there is no protection for additions or alterations to a building. Under the operative District Plan and the draft plan change, a resource consent would be required for any changes that fall under the definition of 'Alterations and Additions'² in Chapter 2 of the District Plan, irrespective of whether changes were proposed to part of a heritage building that does not hold heritage significance.
- 7.11. Advice from Mr Bowman during the development of the Plan Change clarified that changes to a non-contributing part of a heritage building may have a negative impact on the heritage values of the main heritage building. For example, if a non-contributing part of a heritage building is increased in size or footprint, there is the potential for the alteration to obscure or dominate the heritage values of the main building. To help manage this issue, a definition, rule and standard were included in PPCH(a) so that a restricted discretionary resource consent would be required only if there was a 'change' in height or footprint to a non-contributing part of a building.
- 7.12. The notified plan change defined 'non-contributing parts to heritage buildings' as:
- “Non-contributing heritage buildings:***
- “Non-contributing building: For heritage items listed in Schedule 4b, non-contributing parts of a heritage building are those parts of a building which may have been added to the main heritage building at a later time than original construction of the main building and are not constructed in the same style, finishes or materials as the original building, and includes lean-to’s.”*
- 7.13. HNZPT were concerned with the wording of the notified definition for 'non-contributing parts of buildings' in that parts of a building which were not original but still held heritage significance could be removed or adversely altered, and that it did not enable the valuing of differing periods of a building's history. On reflection, the notified definition has the potential to create confusion over what is considered a non-contributing part.
- 7.14. Through discussions with Mr Bowman and the pre-hearing meeting with HNZPT, I have recommended the deletion of the notified definition and replacement with a new definition as follows:
- “Non-contributing parts of heritage buildings: means parts of heritage items that make little or no contribution to, or detract from, the heritage values for which the heritage item has been listed in Schedule 4b.”*
- 7.15. This amended definition in my opinion is clearer and will assist plan users in implementing the District Plan. This revised definition recognises that:
- Parts of heritage buildings may not be original but still contain heritage significance (this enables the valuing of differing periods of a building's history);

² Chapter 2 Definitions: 'Additions and Alterations' means the change to a building, structure, or memorial that alters its size and/or volume or results in changes to the finishes or materials. Additions and alterations specifically exclude "maintenance and minor repair" and "seismic strengthening" as defined by this Plan.

- Lean-to's can contribute to the heritage significance of a building as many early heritage buildings included lean-to's;
 - While parts of buildings may not be constructed in the same style, finishes or materials as the original building, those parts may still hold heritage significance, e.g. The Pines, (refer: Section 32 Appendix 2, Proposed Schedule 4b Reference: H3, 7 Pines Court) is made up of several architectural styles but is still considered significant.
- 7.16. As a result of the submission by the NZDF (S04/7) and the evidence advice provided by Mr Bowman (Appendix 5), I am recommending an amendment to the standard for non-contributing parts of heritage buildings to replace the word 'change' with 'increase'. HNZPT indicated at the prehearing meeting that they support this change.
- 7.17. The types of non-contributing parts of heritage buildings were an important consideration in drafting these provisions. In response to the submission by HNZPT, I have reviewed each heritage report to determine the extent and type of non-contributing parts that exist for heritage items. About half of the heritage items in Schedule 4b are private houses that are not publicly accessible. The heritage reports show that in general, objects and memorials are largely original. Most churches and community buildings are also authentic and do not contain non-contributing parts. Where there have been additions to churches, they are likely to have been designed in a way that mimics, or are very similar to, the heritage values of the main church building.
- 7.18. I have included photographs in Appendix 8 which show the types of non-contributing parts of heritage buildings in Schedule 4b that exist in the Manawatu District and that I have used as a basis for my recommendations. If non-contributing parts of heritage buildings such as those shown in Appendix 8 were removed or downsized, there would unlikely be a negative impact on the heritage significance of the main part of the building, and may in fact result in a better outcome for the main heritage building (i.e. if removed, more of the heritage building is likely to be evident).
- 7.19. With regard to the request by HNZPT to identify non-contributing parts of heritage buildings in Schedule 4b (S03/26), my review of the technical reports is that the level of information to include specific references is not available. Therefore this part of the submission is rejected in Appendix 1.
- 7.20. The provisions that are proposed to manage non-contributing parts to heritage buildings enable owners of heritage items to make alterations as a permitted activity to parts of heritage buildings that do not contain heritage significance where those changes do not impact negatively on the heritage values of the item listed in Schedule 4b. Through discussions with HNZPT and Mr Bowman, changes which result in a decrease in size or footprint, or removal of, a non-contributing part would be a permitted activity and this approach is supported. Note that HNZPT (S03/2) also requested the inclusion of a policy to encourage the removal of non-contributing parts. I have accepted this request with an amendment to Policy 10 and also recommend a similar consequential amendment to Rule 11 to provide consistency and clarity to the plan user (S03/5, S03/14, Appendix 1).
- 7.21. 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.

8. Overall conclusions

- 8.1. Overall, the integrated package of objective, policies, rules, and standards, including the proposed amendments outlined in Appendices 2, 3 and 4 are for the reasons discussed earlier in this report, the most appropriate option to achieve the objective of PPCH(a) and are the most efficient and effective, in terms of section 32 of the Act.
- 8.2. In my assessment of PPCH(a), having regard to the submissions received, and drawing on the technical analysis of Mr Bowman I am satisfied that the plan change is the most appropriate means of sustainably managing the historic heritage resources of the Manawātū District.

8.3. The principal reasons for my conclusion are:

- The changes proposed, including those recommended in this report, provide an effective and efficient management framework for managing potential adverse effects to historic heritage in the wider Manawatū District outside the Feilding Town Centre;
- The PPCH(a) has been prepared following consultation with heritage item owners, key stakeholders and interested parties, including discussions with some submitters to clarify the intent of submissions;
- The evidence of Mr Bowman, refer Appendix 5.
- In relation to the submission requesting the Mangaweka Bridge be included in Schedule 4b, I consider the submission to be out of scope. A more appropriate approach to address the request for its inclusion in the District Plan is for Manawatū and Rangitikei District Councils to complete a joint plan change which recognises that the bridge spans both jurisdictions.

8.4. It is recommended that:

- Proposed Plan Change H(a) be approved as notified and amended as outlined in Appendices 2, 3 and 4, and paragraph 6.31 of this report; and
- The relief sought by the submitters be accepted or rejected for the reasons outlined in this report and Appendix 1.

Rochelle Waugh
Contracted Policy Planner
for Manawatū District Council

Date: 22 May 2023