Proposed Plan Change 15 - Historic Heritage – Section 32 Report

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1.0 Introduction

This report has been prepared for two purposes – the first to satisfy the requirements of s.32 of the Resource Management Act 1991 (the Act) and the second to explain the context of, and need for, the heritage plan change. It should be read in conjunction with the text of the proposed change.

Section 32 of the Act requires a Council, prior to publicly notifying a proposed change to its District Plan, to carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act; and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate means to achieve these objectives.

An evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

In response to these requirements the report presents:

- The statutory context to the proposed plan change;
- The background to the proposed plan change;
- Matters to be covered in the proposed plan change;
- Consultation undertaken in preparing the proposed plan change;
- Appropriateness of the objectives;
- Relevant resource management issues;
- An assessment of the appropriateness, efficiency, effectiveness, benefits and costs and risk of the proposed plan change compared to other alternatives; and
- An assessment against Part II of the Act.

The report concludes that the proposed plan change is the most efficient, effective and appropriate means of addressing the resource management issues identified.
1.1 STATUTORY CONTEXT/ RESOURCE MANAGEMENT ACT CONSIDERATIONS

The rationale for preparing and administering a District Plan is to assist a territorial authority to carry out its functions and duties in order to achieve the purpose of the Resource Management Act (s.72).

The purpose of the Act is to promote the sustainable management and natural and physical resources (s.5(1)). Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their social, economic, and cultural wellbeing and for their health and safety while:

(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
(b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment (s.5(2)).

Under section 6 local authorities are required to recognise and provide for the following matters of national importance;

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

Historic heritage is further defined in section 2 of the Act as follows:

(a) Means those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, derived 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.
Section 8 also requires the consideration of the principles of the Treaty of Waitangi. Further to the Part II requirements outlined above the Act also requires the Council to:

- have regard to the Proposed Regional Policy Statement for the Wellington Region – s.74(2)(a)(i);
- have regard to any management plans and strategies prepared under other legislation – s.74(2)(b)(i);
- have regard to any relevant entry on the Register of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas – s.74(2)(b)(iiia);
- take into account any relevant planning document recognised by an iwi authority and lodged with Council – s74(2A)
- give effect to the operative Regional Policy Statement for the Wellington Region – s.75(3)(c)
- commence a review of operative District Plan provisions every 10 years – s.79

**1.2 OTHER CONSIDERATIONS**

**1.2.1 Heritage Management Strategy**

In April 2010 Porirua City Council adopted a Heritage Management Strategy (the Strategy) to guide its role in managing the city’s heritage. Amongst other matters the Strategy outlines the non-regulatory methods that the Council will employ in undertaking its heritage management role including heritage education, advocacy and supporting heritage site owners.

The Strategy also identifies that historic heritage will be regulated through the District Plan, and nominates a number of sites to be considered for listing. The proposed plan change is a response to this identified action and forms an important part of the integrated regulatory/non-regulatory approach to heritage management that the Council has adopted for the City.

**1.2.2 Community Outcomes**

Community outcomes represent the aspirations of the community identified at a local level. They act as key ‘drivers’ to inform the work undertaken by Council and all projects commissioned for the city must contribute to at least one of these outcomes. The management of historic heritage by the District Plan partly contributes to achieving a number of community outcomes including: “Multicultural & Creative”, and “Sustainably Designed & Built”. The role of heritage management in achieving community outcomes is discussed in more detail in the Overview and Purpose section of the Council's Heritage Management Strategy. Other resource management documents requiring protection and management of heritage.

Other resource management documents, such as National Policy Statements (e.g. New Zealand Coastal Policy Statement) and the Proposed Wellington Regional Policy Statement also require the protection and management of historic heritage, and are
therefore a matter that must be given effect to in the Porirua District Plan. By contrast there are currently no iwi management plans of relevance to the management of historic heritage in Porirua City that the Council must take into account.

1.2.3 Other heritage protection provisions

There are other strategies, plans, provisions and legislation such as the Historic Places Act 1993, the Sustainable Management of Historic Heritage Guidance Series developed by the New Zealand Historic Places Trust (the Trust), and the ICOMOS New Zealand Charter that relate to the protection of historic heritage. For example, under the Historic Places Act the Trust has a mandate to advocate for the protection, conservation and management of historic heritage, and to regulate the destruction, damage or modification of archaeological sites.

The District Plan provisions that have been developed as part of this proposed plan change have been designed to be either consistent with or to complement the work undertaken by the Trust. In particular, due regard has been given to the active management of places entered on the Register of Historic Buildings, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas and that any provisions that may affect archaeological sites align with the statutory intent of the Historic Places Act.

2.0 Background

The Heritage Schedule (the Schedule) and associated provisions contained in the operative Porirua City District Plan (the District Plan) have not been significantly modified since it was notified in 1994. However, during the intervening years the protection of historic heritage from inappropriate subdivision, use and development has been elevated in the Act to a matter of national importance (s.6(f)) and significant advances have been made in the practice of heritage management – factors which are not fully reflected in the operative District Plan heritage provisions.

Currently 90 heritage features are listed in the operative District Plan Heritage Register. Of these only 3 are identified as ‘Section A’ features (these being buildings that are entered on the Trust Register as Category 1 places), with the balance comprising 44 ‘Section B’ features (these being other identified buildings and sites of heritage value) and 43 ‘Section C’ features (these largely being heritage sites that are identified for information purposes only). This current list does not, however, represent or illustrate Porirua’s rich history of settlement and development, nor is there any clear reference in the register as to what is protected and why.

Under the operative District Plan a restricted discretionary resource consent is required if a person wishes to alter, demolish or remove a ‘Section A’ or ‘Section B’ feature. However, any change to a feature contained in ‘Section C’ does not trigger a requirement for resource consent as these features are solely included in the plan for information purposes.
Equally although provision exists in the District Plan for effects on heritage values to be considered as an “other matter” in circumstances where subdivision around a heritage feature is a discretionary activity, there is no specific provision for such effects to be explicitly considered.

Similarly, cultural heritage features are only managed in the District Plan if they also happen to be archaeological features included in the Heritage Register. However, many archaeological sites with cultural heritage values are currently not listed in the register.

The net result is that the current provisions in the plan provide insufficient direct protection of historic heritage to effectively meet the requirements of the Act. In response the Council commenced a 'heritage review' project in May 2005. To date this project has focused on identifying and evaluating Porirua’s heritage, and developing a Heritage Management Strategy to guide Council's role in managing the city’s heritage, the final stage of which is this proposed change to the District Plan. More information about the heritage review project is available on Council's website, www.pcc.govt.nz.

### 3.0 Reason for the plan change

Porirua City has a distinctive character, which is influenced by the natural landscape of the area, and also by the structures, special places, and buildings which are the product of years of human occupation and settlement. This accumulated wealth of structures, places, sites and areas collectively combine to form Porirua’s heritage.

Natural, cultural, and historic heritage places and areas reflect the past and help define the present. Some places are well preserved and well looked after due to such circumstances as sympathetic ownership, good management or their location. However, other places have not fared as well and are threatened by such factors as serious modification or damage, or complete destruction.

The Resource Management Act was amended in 2003, a result of which was the elevation of heritage protection to a ‘matter of national significance’ in section 6 along with the insertion of an associated definition of historic heritage in section 2. As the District Plan became operative in 1999, the current provisions and assessment criteria neither reflect the relative level of active heritage management now required by the Act, nor contemporary heritage ‘best practice’.

Porirua City Council is in the process of undertaking a rolling review of its District Plan. Consequently, this provides the Council with an appropriate opportunity to review the listing of heritage features that are protected from inappropriate subdivision, use and development by the plan; how historic buildings and sites are managed and protected from such developments; and what information is made available to assist in the management of these heritage features.
4.0 Matters excluded from the plan change

This proposed plan change is the first stage of a two stage review of the Heritage section of the Porirua City District Plan 1999.

The first stage covers the management of heritage buildings and sites that were identified in the Heritage Management Strategy (2010) as meriting regulatory protection. This includes many of the sites and buildings that are listed in the operative District Plan.

A further second stage will involve the introduction of a plan change to address the identification and management of wāhi tūpuna areas and other sites of Māori cultural significance, as agreed with Te Rūnanga O Toa Rangatira Inc. This second stage plan change will also address new sites which have been identified and assessed as having values which justify management through the District Plan.

5.0 Consultation

This proposed plan change has been developed in consultation with Te Rūnanga o Toa Rangatira, the Trust, the Porirua Historical Association, Greater Wellington Regional Council and the Department of Conservation.

Consultation has also occurred with all parties owning sites that are included in the Heritage Schedule that forms part of the proposed plan change.

Consultation has included discussions, submissions and hearings considered in relation to the development of Council’s Heritage Management Strategy (2010). It has also included discussions with heritage property owners and other interested parties on the content of a draft plan change that was circulated for comment and which formed the basis of a workshop convened with affected property owners.

6.0 The issue

Heritage is not only part of our inheritance from the past, it is also a part of our contemporary identity and sense of place.

The physical environment and place are vital aspects of people's sense of community and belonging. Physical heritage, or cultural connections and associations with places, make an important contribution to the physical environment. In particular, heritage is a vital part of what makes a place unique or important for the people who live there.

This sentiment is encouraged by the New Zealand Urban Design Protocol, which identifies that successful towns and cities:
... have a strong and locally distinctive identity that builds on the unique strengths and characteristics of each place and the cultural identity of New Zealand. They reflect our heritage and culture in their built form, in the landscape, an in the way spaces are organised and used.\textsuperscript{1}

The importance of heritage extends beyond its role in creating a sense of place. Heritage provides a tangible insight into our past and can be an important source of knowledge.

Heritage sites not only act as a reminder or social link to the past but can also provide valuable information that contributes to expanding our understanding about our history and environment. For example, investigating how a historic building is constructed provides information about the tools, technology and materials available at the time.

Equally, archaeological site investigations provide us with an opportunity to gather information about how people previously lived, and what their environment was like at that time. The accidental or inadvertent destruction or damage of these buildings and sites can therefore result in the loss of this knowledge and the links to the past they provide.

While it is important to recognise heritage's role in creating a sense of place, and its significance as a link to the past, it should not equate to a requirement to prohibit change. Most heritage sites are privately owned and are used for, or need to be adaptive to, a range of uses such as: private residencies, business, and farming. Further, changes and progress in society place different demands on land use that may have a corresponding impact upon heritage values (i.e. the modernisation of a heritage building, or residential development/intensification in or around heritage sites).

The Resource Management Act states that the protection of historic heritage from inappropriate use, subdivision and development is a matter of national importance. However, it is important to recognise that this does not equate to outright protection of historic heritage, but rather its protection against inappropriate use, subdivision and development. This, in turn, requires a judgement to be applied as to the appropriateness of a proposal when making management decisions regarding the use and development of historic heritage.

A key heritage management challenge, therefore, relates to the need to achieve a balance between recognising and managing the values associated with historic heritage while enabling heritage buildings and sites to be adapted to meet changing community needs and values.

To address this challenge the community needs information about the nature and extent of the historic heritage that exists within their area, what heritage values

\textsuperscript{1} Ministry for the Environment (2005); New Zealand Urban Design Protocol
these places hold, what state or condition they are in, and what, if any, sensitivity they have to change or adaptation. Armed with this information communities can then make informed decisions relating to the reasonable and appropriate use and development of their historic heritage, having regard to place, amenity, links to the past and other values of interest.

In light of this the key historic heritage management issues facing Porirua City are considered to be the following:

- **Identification, awareness and understanding**
  - That quality information is gathered on historic heritage within the city, and that this information is accurate, up to date and publicly available;
  - That owners, occupiers and users of historic heritage are aware of the significance of these places and their associated heritage values.

- **Kaitiakitanga**
  - That Te Rūnanga o Toa Rangatira Inc. has the ability to exercise kaitiakitanga over heritage sites and places within the city that have recognised Māori cultural values.

- **Loss of heritage value through inappropriate use, development or subdivision**
  - That historic heritage can be directly threatened by the modification, damage or destruction associated with its use or development;
  - That unsympathetic development in close proximity to historic heritage can adversely affect its heritage values.

- **Facilitating heritage use, maintenance, restoration and protection**
  - That provision is made to encourage and facilitate the use or adaptive reuse of historic heritage, along with the appropriate protection, maintenance and restoration of its associated heritage values.

### 7.0 Policy aim and proposed objectives of the Proposed Plan Change

The aim of the plan change is to sustainably manage historic heritage within Porirua City through identifying an appropriate level of use, change, subdivision and development that corresponds with its status. The plan change is also intended to be read and applied in conjunction with the Heritage Management Strategy (2010).

To achieve this, the plan change has three objectives which seek to:

- identify significant historic heritage in Porirua City and its associated heritage values;
- recognise the role of Māori in decision making and their relationship with their ancestral lands, water, sites, wāhi tapu, and other taonga; and
- avoid the loss of heritage values resulting from inappropriate subdivision, modification, use and development of historic heritage.

Each of these objectives is further discussed below.
7.1 **OBJECTIVE 3.1 - TO RECOGNISE HISTORIC HERITAGE THAT REFLECTS PORIRUA CITY’S DIVERSE HISTORY**

Successful heritage management requires a considered and comprehensive approach to identifying heritage.

The identification and assessment of heritage sites within Porirua City has been an ongoing process throughout the heritage review project. A thematic approach (described in the Heritage Management Strategy) was used to ensure that the identification process was thorough, and that representative sites from the various stages of Porirua’s history were identified. The strategy outlines all the sites identified through this process, and nominates which of these should be listed in the District Plan.

To support this objective, two policies are proposed.

**Policy 3.1.1** requires the identification and assessment of historic heritage in Porirua City using specific criteria comprising: historic, social, setting and group, architectural, scientific and technological, Māori cultural and archaeological values.

**Policy 3.1.2** requires the recording of ‘significant’ historic heritage identified in a Schedule, and its categorisation into one of the following three groups:

- Historic Heritage Buildings A - buildings that have outstanding national or regional significance as a consequence of their ‘rarity’ or ‘integrity’;
- Historic Heritage Buildings B – buildings that have regional or local significance; and
- Historic Heritage Sites – including places and areas that are of national, regional or local significance.

While the operative Porirua City District Plan has objectives and policies requiring the identification and protection of significant heritage features, the test used to identify historic heritage is not defined, and identification of what is significant is predominantly based on those places included in the Register of Historic Buildings, Historic Area, Wāhi Tapu and Wāhi Tapu Areas administered by the Trust.

Consequently, this approach is not considered to adequately fulfil the requirements of the Act. To redress this situation proposed Objective 3.1 and its associated policies seek to ensure that a robust approach is applied to identifying a wider and more representative range of historic heritage within the city.

These proposed provisions are considered to be the most appropriate way to achieve the purpose of the Act by providing for the recognition of buildings sites and places that have heritage value, and ensuring that those sites with significant values are specifically acknowledged.
7.2 OBJECTIVE 3.2 - THAT TANGATA WHENUA ARE ABLE TO EXERCISE KAITIAKITANGA IN RELATION TO SITES AND PLACES THAT HAVE IDENTIFIED MĀORI CULTURAL VALUES

Many historic heritage sites and places have particular importance to Māori due to ancestral connections, cultural associations, or because they are wāhi tapu.

The Act requires the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga to be recognised and provided for as a matter of national importance, and that particular regard be given to kaitiakitanga and the ethic of stewardship.

Due to the special relationship that tangata whenua have with many historic heritage sites throughout the city they have the ability to provide an essential understanding of, and information about, the potential impacts associated with the subdivision, use or development of these sites. This information and understanding is, in turn, a vital part of determining what is, and is not, appropriate to the circumstances.

In light of this a key Objective of the plan change is to ensure:

That tangata whenua are able to exercise kaitiakitanga in relation to sites and places that have identified Māori cultural values

To support this objective, three policies are proposed.

Policy 3.2.1 requires that wāhi tapu and wāhi tūpuna are identified in consultation with Te Rūnanga o Toa Rangatira Inc.

Policy 3.2.2 requires consultation with Te Rūnanga o Toa Rangatira Inc. on development proposals that affect heritage buildings or sites in the Historic Heritage Schedule with identified Māori cultural values.

Policy 3.2.3 seeks to ensure that Te Rūnanga o Toa Rangatira Inc. is consulted on development proposals in identified wāhi tapu and wāhi tūpuna areas.

It should be noted that these provisions are to be read in conjunction with sections B2 and C5 of the operative Porirua City District Plan, which deal with “Treaty of Waitangi Issues and other matters of concern to Māori” and “Responding to the Principles of the Treaty of Waitangi”.

The proposed Objective 3.2 and its associated Polices reflect the need to protect sites and areas of heritage significance to tangata whenua and to ensure that

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2 Section 6(e) RMA
3 Section 7(a) & section 7(aa) RMA
tangata whenua are directly consulted when any development is proposed that impinges on these sites or areas.

These proposed provisions are considered to be the most appropriate way to achieve the purpose of the Act.

7.3 OBJECTIVE 3.3 – TO ENSURE THAT THE VALUES ASSOCIATED WITH PORIRUA CITY’S HISTORIC HERITAGE ARE NOT LOST DUE TO INAPPROPRIATE MODIFICATION, SUBDIVISION, USE AND DEVELOPMENT

The Act identifies the protection of historic heritage from inappropriate use, subdivision and development as a matter of national importance.

In order to achieve this, a decision making framework is required to assist with determining what is 'inappropriate' modification, use, subdivision and development. This, in turn, requires a balance to be struck between enabling the continued use and development of historic heritage while ensuring that its associated values are appropriately considered and respected.

Consequently, the final objective of the proposed plan change is:

To ensure that the values associated with Porirua City’s historic heritage are not lost due to inappropriate modification, subdivision, use and development

To support this objective, six policies are proposed.

Policy 3.3.1 encourages the compatible use of historic heritage buildings and sites, acknowledging that continued use is fundamental to their future sustainability.

Policy 3.3.2 seeks to enable the restoration, adaptive reuse and maintenance of historic heritage buildings and sites, activities which are essential to ensuring that historic heritage can be effectively cared for and maintained.

Policy 3.3.3 requires management of the effects of activities that could diminish the significant heritage values of identified historic heritage buildings and sites.

Policy 3.3.4 requires avoidance of the demolition or destruction of Historic Heritage A Buildings and Historic Sites unless exceptional circumstances exist, recognising the significant values associated with these buildings and sites.

Policy 3.3.5 seeks to discourage the demolition or destruction of Historic Heritage B Buildings.
**Policy 3.3.6** requires protection of the historic heritage values of identified buildings and sites from inappropriate subdivision.

These policies set out how the heritage values associated with identified historic heritage are to be protected and provide a context for the related rules that are proposed.

The policies are also supported by assessment criteria that specifically relate to activities involving the subdivision, use and development of historic heritage that require resource consent.

By comparison the objectives and policies in the operative District Plan only relate to proposed building changes or demolition. Management of development around heritage buildings and sites is not currently addressed, nor is there any guidance on how the respective values of listed features are to be managed. This, in turn, is not particularly helpful to people wishing to undertake works on or around heritage sites, or those involved in assessing proposals to undertake works.

The proposed provisions are considered to be the most appropriate way to achieve the purpose of the Act.

### 8.0 Assessment Method (Rules), Other Methods, Information requirements and Definitions associated with this Proposed Plan Change

Having identified objectives and policies that will promote the sustainable management of Porirua’s historic heritage (and which also complement and support the Council’s Heritage Management Strategy); a set of rules, other supporting methods, and related information requirements have been developed to achieve these desired outcomes.

#### 8.1 ASSESSMENT FRAMEWORK (RULES)

The following rules and assessment criteria are proposed to achieve the objectives of the plan change:

##### 8.1.1 Permitted Activities

**Buildings - Group A & B:**
- Interior and/or exterior maintenance, repair and redecoration.
- Any other activity permitted in the zone by the plan, unless specifically identified as requiring resource consent by the proposed plan change.

**Buildings – Group B:**
- Internal alteration.
Sites

- Maintenance and repair of existing lawns, gardens, structures, buildings and signage.
- **Removal of permitted vegetation** that does not damage, destroy or modify an archaeological site.
- **Primary production** in the Rural Zone.
- **Earthworks** associated with preparing a burial plot in an existing recognised burial site and trenching above existing services.
- Any other activity permitted in the zone by the plan, unless specifically identified as requiring resource consent by the proposed plan change.

8.1.2 Controlled Activity

**Buildings - Group A & B:**

- **Restoration** of a listed building, where control is limited to:
  - the extent of the work;
  - the manner in which the work is undertaken;
  - the impact of the works on the heritage values identified in the Statement of Significance for the building.

Sites

- **Earthworks** complying with the relevant zone’s permitted activity standard, where control is limited to:
  - the monitoring of earthworks;
  - extent of the earthworks;
  - manner in which earthworks are undertaken;
  - avoidance of archaeological features; and
  - site restoration.

8.1.3 Restricted Discretionary Activities

**Historic Heritage Buildings - Group A & B:**

- Any **alteration or relocation** of a listed building that is not permitted by the plan change, where discretion is restricted to:
  - The impact of the proposal on the building's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- Any **subdivision** within the heritage setting of a listed building, where discretion is restricted to:
  - The impact of the proposal on the building's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- **Within the heritage setting** of the building any **new building or additions to an existing unlisted building**, where discretion is restricted to:
- The impact of the proposal on the building's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- **Within the heritage setting** of the building any earthworks exceeding the zone's permitted activity standard for earthworks, where discretion is restricted to:
  - The impact of the proposal on the building's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

**Historic Heritage Buildings- Group B:**
- The demolition of a Group B Building listed in the Historic Heritage Schedule, where discretion is restricted to:
  - The impact of the proposal on the building's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

**Historic Heritage Sites:**
- Any new building/structure or extension in the footprint of an existing building/structure, where discretion is restricted to:
  - The impacts of the proposal on the site's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- Earthworks that are not a controlled activity, where discretion is restricted to:
  - The impacts of the proposal on the site's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- Any subdivision of land that involves a heritage site, where discretion is restricted to:
  - The impacts of the proposal on the site's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

- Any new fencing, where discretion is restricted to:
  - The impacts of the proposal on the site's heritage values, with particular regard to the specific values identified in the relevant statement of significance contained in the Historic Heritage Schedule.

8.1.4 Non-Complying Activities

- The demolition of a Group A historic heritage building listed in the Historic Heritage Schedule.
• The destruction of a historic heritage site listed in the Historic Heritage Schedule.

### 8.2 ASSESSMENT CRITERIA

A series of assessment criteria have been developed to assist people in preparing development proposals which affect historic heritage, and to assist Council consent staff in assessing these proposals.

The criteria are considered to be necessary and appropriate to support the effective delivery of the objectives and policies in the proposed plan change.

The assessment criteria are:

**Consistency with Objectives and Policies**
- The extent to which the proposal is consistent with the proposed historic heritage objectives and policies.

**Impact on Heritage values**
- Whether the proposal adversely impacts on the historic, social, setting and group, architectural, scientific and technological, Māori cultural, or archaeological values associated with the building or site.

**Consistency with any Conservation Plan**
- The extent to which the proposal is consistent with policies contained in a Conservation Plan that has been prepared for an identified building or site.

**Enabling use**
- The extent to which any adverse impacts on heritage values are necessary to enable the long term, practical, or feasible use of the building.

**Economic use and development**
- The extent to which there is the ability to economically use or develop the site without altering, relocating or removing the building.

**Alteration Compatibility**
- For an alteration, whether the proposal is reversible, compatible with the original architectural style, character and scale of the building and retains as much of the original fabric as possible.

**Site and Location values**
- For relocation, the extent to which the original site and location are crucial to maintaining the heritage values associated with the building.

**Positive impacts or mitigation**
- The extent to which any adverse impacts on heritage values are either off-set by positive impacts, or are able to be mitigated.
Rarity and integrity
- Proposals involving the demolition or removal of a building must consider the rarity of the building, with particular regard to the heritage values provided in the relevant statement of significance in the Historic Heritage Schedule.
- Proposals involving the destruction or irreversible change to a site must consider the rarity and integrity of the site, with particular regard to the heritage values provided in the relevant statement of significance in the Historic Heritage Schedule;

Form Compatibility
- For a new building or additions to a non-listed building located within the setting of a Group A or B building, whether the proposal is compatible with the original architectural style, character and scale of the historic heritage building.

Safety Risk Management
- Where a building presents or is threatened by an earthquake risk, fire risk or safety risk and related remedial work (excluding demolition) is proposed:
  o the degree of upgrade that is required to meet safety standards;
  o the extent of any adverse effect of the work on its identified heritage value;
  o the cost of mitigating any adverse effects associated with such work.

Alternatives
- The reasons why any works or subdivision are necessary and whether there are any other means of achieving the same or similar ends with fewer adverse effects.

Setting suitability
- For subdivision, whether the balance site associated with the historic building is of a size that continues to provide a suitable setting.

Māori cultural heritage values
- The extent to which any works may adversely affect identified Māori cultural heritage values.

8.3 OTHER METHODS

8.3.1 Heritage schedule (including statements of significance)

The Historic Heritage Schedule included in the proposed plan change as Appendices 10.1, 10.2 and 10.3 is another method for assisting in the implementation of the objectives and policies.
The schedule:

- Identifies historic heritage (buildings and sites) that is suitable for protection and management, and specifically identifies historic heritage that has 'outstanding' heritage values;
- Includes 'statements of significance' relating to identified buildings and sites; and
- Defines the spatial extent of the 'heritage settings' associated with identified buildings and sites.

8.3.2 Planning maps

Building and sites contained in the Historic Heritage Schedule are to be noted on planning maps included within the District Plan.

Additional maps are also be included within the proposed plan change that help to more clearly identify the extent of the heritage settings associated with a number of larger sites identified in the Historic Heritage Schedule.

8.3.3 Integrated Management

To ensure that the management of historic heritage is undertaken in an integrated manner, the following advice notes have also been incorporated within the proposed plan change:

- A note advising that the provisions in the Historic Heritage section should be read in conjunction with relevant objectives, policies and rules contained in other chapters of the District Plan.
- A note advising that additional consents/approvals may be required from the Greater Wellington Regional Council and/or the Trust for activities within an identified site or heritage setting.
- A note advising that consultation with Te Rūnanga o Toa Rangatira Inc. must be undertaken where taonga is discovered during the course of any works in a wāhi tūpuna area.

8.4 INFORMATION REQUIREMENTS

8.4.1 Information to be provided

The information requirements relating to works involving identified historic heritage is as follows:

- Where a proposal involves a building or site that is listed in the Historic Heritage Schedule a site plan and any other relevant information must be provided sufficient to assess the effect of the proposal on identified heritage values.
Where a proposal involves a building or site that is listed in the Historic Heritage Schedule and the Register of Historic Places, Historic Areas, Wāhi Tapu and Wāhi Tapu Areas administered by the Trust the applicant is required to consult with the Trust and to note the outcome of the consultation in their application.

Where a proposal involves a building that is listed in the Historic Heritage Schedule a heritage assessment prepared by a conservation architect or other suitably qualified person is required.

Where a proposal involves the restoration of a building that is listed in the Historic Heritage Schedule a conservation plan prepared by a conservation architect or other suitably qualified heritage practitioner is required.

Where a proposal involves a site that is listed in the Historic Heritage Schedule an archaeological assessment prepared by an archaeologist is required.

Where a proposal involves areas of cultural significance listed in the Historic Heritage Schedule a cultural impact assessment prepared, in consultation with Te Rūnanga o Toa Rangatira Inc, by a suitably qualified person is required.

Where a proposal involves land within a wāhi tūpuna area and/or historic heritage with Māori cultural values the applicant is required to indicate what, if any, consultation with Ngati Toa Rangatira has occurred along with the outcome of any consultation.

8.5 DEFINITIONS

A series of new definitions have also been developed to ensure there is a clear and definitive interpretation of the provisions contained within the plan change. The proposed definitions are as follows:

**Adaptive Reuse**

Means the process(es) of modifying a place for a compatible use while retaining its heritage value. Adaptation processes include additions and alterations to existing buildings, undertaking required earthquake strengthening and installation of fire protection features.

**Addition**

Means an extension or increase in floor area, number of stories, or height of a building or structure and includes the construction of new floors, walls, ceilings, and roofs.
**Area of Significance to Māori**

Are areas denoted as wāhi tapu or areas of Māori cultural value in Appendices 10.1, 10.2 or 10.3, and/or on the planning maps as wāhi tūpuna or areas of significance to Māori.

**Alteration**

Means any change to the physical fabric of a historic heritage building or structure that varies its size, style or composition. This includes the partial destruction of a historic heritage building or structure required to realise any such change, and includes the removal and replacement of external walls, windows, roofs, verandahs, parapets and balustrades. Alteration does not include maintenance, redecoration, repair or restoration.

**Compatible Use**

Means a use which involves either no change, changes that are substantially reversible or changes with a minimal impact on the relevant heritage values identified in Appendices 10.1, 10.2 and 10.3.

**Conservation Plan**

Means a report that is prepared by a conservation architect or qualified heritage practitioner that includes the following:

- a statement of significance relating to the historic heritage building or site;
- an assessment of its physical condition and structural integrity;
- the conservation actions required to retain, recover or reveal its associated heritage values (e.g. maintenance, repair, restoration);
- policies and recommendations to guide its ongoing conservation and management.

**Demolition**

Means the total destruction of a historic heritage building identified in Appendices 10.1 and 10.2.

**Heritage Setting**

For historic heritage buildings, means the area between the building and the legal boundary of the site on which it is located unless otherwise defined by a specific ‘Heritage Setting Map’ in Appendix 10.4.

For historic heritage sites, means the area contained with the legal boundaries of the site unless otherwise defined by a specific "Heritage Setting Map" included in Appendix 10.5.
Historic Heritage Building(s)
Means a building or structure, included in Appendices 10.1 and 10.2.

Historic Heritage
Has the same meaning as specified in the Resource Management Act 1991.

Historic Heritage Site(s)
Means a site of significance to Māori included in Appendix 10.3 that has important archaeological and or historic heritage values. Unless specifically identified in Appendices 10.1, 10.2 and 10.3 historic sites do not include any existing buildings or structures located within the site.

Integrity
Means the completeness or intactness of the building, including its meaning and sense of place and all the tangible and intangible attributes and elements necessary to express its heritage value such as the original building fabric, features and setting.

Internal Alteration
Means any change to the physical fabric of the interior of a historic heritage building or structure. This includes the removal and replacement of internal walls, ceilings and floors and the replacement of minor fittings and fixtures.

Maintenance
Means for historic heritage buildings, routine work that is required to ensure the continuous protective care of the fabric, and is to be distinguished from redecoration and restoration. Maintenance includes planned measures such as clearing debris from gutters, corrective measures such as treatment of dry rot or fixing obvious leaks and emergency measures such as storm related roof repairs and replacing broken glass.

Means for historic heritage sites, mowing grass and lawns, general gardening, tree trimming, but excludes new earthworks, landscaping or fencing. For existing buildings, structures and signs within a historic site, it means the continuous care, repair and/or reinstatement of the building, structure or sign, where any disturbance of land does not extend beyond the area or depth of land previously disturbed.

Minor Fittings and Fixtures
Includes light fittings; switches; metal railings; window panes, hinges and latches; door handles and hinges; and locks.
Redecoration
Means the renewal, restoration, or new applications of: surface finishes, coatings, painting, decorative elements, minor fittings and fixtures, and floor coverings, excluding paint on previously unpainted surfaces. Includes the application of finishes and coatings to repaired fabric and preparation of surfaces for redecoration (e.g. washing but excludes sandblasting).

Reassembly
Means to put existing but disconnected parts of a building back together.

Reinstatement
Means to put the same or similar material components of a building back into position.

Repair
Means to improve the long-term condition of a building by using identical or closely similar materials to make good any damaged or decayed fabric. Repairs include re-pointing deteriorated brickwork, putting right damaged timberwork and replacing corroded or deteriorated roofing material.

Restoration
Means to return a place to a known earlier form by reassembly and reinstatement, and includes removal of non-original elements that detract from its heritage value.
9.0 Analysis

9.1 APPROPRIATENESS OF THE OBJECTIVES

Section 32(3)(a) requires an evaluation of the extent to which an objective is the most appropriate to achieve the purpose of the Act.

In response to this requirement Table 1 identifies the appropriateness of the three objectives included in the proposed plan change.

Table 1: Analysis of appropriateness of objectives.

<table>
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<tr>
<th>Objective</th>
<th>Appropriateness</th>
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| Objective 3.1  
To recognise Historic Heritage that reflects Porirua City’s diverse history. | The proposed objectives give effect to the purposes and principles contained in Part II of the Act. |
| Objective 3.2  
That tangata whenua are able to exercise kaitiakitanga in relation to sites and places in Porirua City that have identified Māori cultural values. | In relation to Section 5, the objectives promote the sustainable management of physical resources. Historic heritage is not a renewable resource, and once lost cannot be replaced. The recognition and protection of significant historic heritage will ensure that it remains for future generations to enjoy, learn from and identify with. |
| Objective 3.3  
To ensure that the values associated with Porirua City’s Historic Heritage are not lost due to inappropriate modification, subdivision, use and development. | In relation to Section 5(1), the objectives promote the sustainable management of natural and physical resources. They recognise that heritage is a physical resource that requires careful management so that the character and sense of place that exists in the City can endure. |
|  | In relation to Section 5(2), the objectives recognise that identification and protection of historic heritage provides a context for community identity that helps residents relate to the City and, through doing this, enables them to provide for their social and cultural well-being. In addition: |
|  | • Section 5(2)(a) identifies sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations as a key component of sustainable management. The objectives recognise this need and seek to ensure that tangible reminders of the City’s past remain for future residents and visitors to the area to appreciate and enjoy; |
|  | • Section 5(2)(c) identifies avoiding, remedying or mitigating any adverse effects of activities on the environment as a key component of sustainable management. The objectives recognise the important contribution historic heritage makes to the environment and seek to deter the loss of associated values from inappropriate modification, subdivision, use and development. |
|  | In relation to Section 6, the objectives recognise and provide for the protection of historic heritage from inappropriate subdivision, use |
and development. Objective 3.2 also provides tangata whenua with the ability to maintain a relationship with, and exercise stewardship over, places and sites of cultural significance within the City.

In relation to Section 7, the objectives reinforce and reflect:

- the contribution that historic heritage makes to the maintenance of amenity values in the City through the sense of character and distinctiveness it affords;
- the finite nature of historic heritage as a resource, and the fact that once a building or site is lost to, or its values are significantly compromised by, inappropriate subdivision, use or development it cannot be restored or replaced;
- the contribution that recognition and protection of historic heritage makes to maintaining and enhancing the quality of the City’s environment.

### 9.2 Appropriateness of the Policies, Rules and Other Methods

Section 32(4)(a) requires the costs and benefits of the policies, rules and other methods to be taken into account and s.32(3)(b) requires an examination of whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

An overall assessment of the appropriateness of the policies, rules and other methods is set out in Table 2. The policies, rules and other methods have been assessed as a whole and have been informed by the consultation with landowners and relevant interest groups outlined in section 5.0 of this report.

### 9.3 The Alternatives

To address the policy aim of the proposed plan change five alternative options were identified and considered. These are:

1. **Non-regulatory methods.** This option involves removing the current historic heritage provisions and corresponding Heritage Schedule from the District Plan and placing sole reliance on non-regulatory measures (e.g. advocacy, education, incentives) to manage and protect heritage buildings and sites identified in the Heritage Management Strategy (2010).

2. **Status Quo.** This option involves retention of the existing heritage provisions and Heritage Schedule (Part J) in the District Plan.

3. **Retain the existing heritage provisions and update the heritage schedule.** This option involves retention of the current heritage provisions in the District Plan and updating the existing Heritage Schedule (Part J) by adding or removing heritage buildings and sites as appropriate.
4. **Proposed Plan Change.** This option involves removing the current heritage provisions and corresponding Heritage Schedule (Part J) from the District Plan and replacing these with the strengthened set of provisions outlined in section 8.0 of this report, including an amended and updated Heritage Schedule.

5. **Plan Change with higher rule threshold.** This option involves the introduction of a more restrictive regulatory regime than that set out in the proposed plan change or that contained in the existing district plan. For example, treating the maintenance and repair of scheduled buildings as a controlled activity, the alteration of Group A and B buildings as a full discretionary activity, the relocation of Group A and B buildings as a non-complying activity and the demolition or destruction of scheduled buildings and sites as a prohibited activity.
### 9.4 ANALYSIS OF COSTS, BENEFITS, EFFECTIVENESS AND EFFICIENCY, ALTERNATIVES, AND APPROPRIATENESS OF POLICIES, RULES AND OTHER METHODS COMPARED TO ALTERNATIVE APPROACHES.

Table 2: Analysis of Proposed Plan Change as a whole.

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<td>• No costs associated with submission and hearing processes, as no change required to the current District Plan.</td>
<td>• No costs in terms of implementation, as no change required to the current District Plan.</td>
<td>• Moderate Costs associated with the development and implementation of a proposed plan change to update the Heritage Schedule.</td>
<td>• Moderate Costs associated with the development and implementation of a proposed plan change.</td>
<td>• High Costs associated with the development and implementation of a proposed plan change, particularly given the likely increase in associated litigation.</td>
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<td>• There are no known costs associated with this option.</td>
<td>• Higher potential costs to undertake works affecting heritage sites or buildings. As the District Plan currently contains limited information relating to the values and attributes of identified heritage buildings and sites, private owners are likely to</td>
<td>• Submission and hearing costs associated with making submissions and attending hearings on the plan change.</td>
<td>• Submission and hearing costs associated with making submissions and attending hearings on the plan change.</td>
<td>• Submission and hearing costs associated with making submissions and attending hearings on the plan change.</td>
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<td>• Potential increase in compliance costs for newly listed heritage buildings and sites. This is due to the extended range of heritage</td>
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<td>• Potential increase in compliance costs to undertake works relating to listed heritage buildings</td>
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<td>• Likely increase in compliance costs to undertake works relating to listed heritage buildings</td>
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<td>- Potential for heritage loss as there would be no recognition and protection of the buildings and sites identified in the Heritage Management Strategy (2010) through the District Plan.</td>
<td>- Potential for heritage loss. The current District Plan does not list all the buildings and sites identified in the Heritage Management Strategy (2010) as meriting protection and management through the District Plan. As a result the potential exists for unlisted heritage buildings and sites to be insensitively altered or altered in a manner which may discourage ongoing investment and result in demolition or destruction by neglect.</td>
<td>- Reduced potential for heritage loss. The District Plan will be updated to incorporate all the buildings and sites identified in the Heritage Management Strategy (2010) as meriting protection and management through the District Plan. As a result the potential for unlisted heritage buildings and sites to be insensitively altered or to be damaged, and sites. This is attributable to the extended range of regulatory controls and heritage buildings and sites introduced by the proposed plan change.</td>
<td>- Reduced environmental costs. The District Plan will be updated to incorporate all the buildings and sites identified in the Heritage Management Strategy (2010) as meriting protection and management through the District Plan. As a result the potential for unlisted heritage buildings and sites to be insensitively altered or to be damaged, and sites. This is attributable to the introduction of more restrictive controls than those included in the operative District Plan and proposed plan change. This may discourage ongoing investment and result in demolition or destruction by neglect.</td>
<td>- Reduced environmental costs. The District Plan will be updated to incorporate all the buildings and sites identified in the Heritage Management Strategy (2010) as meriting protection and management through the District Plan. As a result the potential for unlisted heritage buildings and sites to be insensitively altered or to be damaged, and sites. This is attributable to the extended range of regulatory controls and heritage buildings and sites introduced by the proposed plan change.</td>
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<td>or to be damaged, demolished or destroyed is reduced.</td>
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<td>• Potential for inappropriate development, use and subdivision. Heritage features listed in the current District Plan are not accompanied by robust and detailed information relating to their identified heritage values and associated significance. There is a risk that the heritage values associated with these features may therefore be significantly diminished as a consequence of insensitive or inappropriate subdivision, use or development.</td>
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<td>• Potential for inappropriate development, use and subdivision. Heritage features listed in the current District Plan are not accompanied by robust and detailed information relating to their identified heritage values and associated significance. There is a risk that the heritage values associated with these features may therefore be significantly diminished as a consequence of insensitive or inappropriate subdivision, use or development.</td>
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<td>• Potential to discourage earthquake strengthening work and other works such as alterations to listed buildings that are of a high architectural quality and sensitively combine new forms and material with existing fabric.</td>
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<td>• Features included in Section C of the Heritage Register would not be subject to any rules or standards, thereby increasing the risk of uncontrolled damage or destruction.</td>
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**Benefits**

**Council**
- Increased awareness of heritage values of building and sites identified in the Heritage Management Strategy (2010) through

**Council**
- No costs, as no change required to the current District Plan.

**Council**
- Reduced plan change costs due to not having to consult on a new regime to manage historic heritage.

**Council**
- Reduced regulatory costs due to the increased certainty provided by the improved definitions of ‘alteration’.

**Council**
- Greater clarity regarding the specific heritage values being managed through the district plan along with an increased level of
|---------------------------|--------------|------------------------------------------|------------------------|------------------------------------------|
| supply of relevant information to property owners. This may result in more sympathetic response when redevelopment or alteration occurs. | **Private**  
- No regulatory restrictions. Owners of heritage buildings and sites identified in the Heritage Management Strategy (2010) are not subject to historic heritage related District Plan controls and associated compliance costs. | **Private**  
- No change to current management of heritage buildings and sites. Owners of heritage buildings and sites not currently listed in District Plan are not subject to additional historic heritage related District Plan controls and associated compliance costs.  
- No costs associated with submission and hearing processes, as no change needs to be initiated to the current District Plan. | **Private**  
- Greater clarity regarding the specific heritage values being managed through the district plan. | **Private**  
- Increased guidance will be provided to property owners regarding the values and matters to be managed when any use, development or subdivision affecting a heritage building or site is proposed. Heritage assessments will also be able to be better targeted to specifically address the values identified in the District Plan.  
- Greater clarity regarding permitted activities.  
- Improved awareness and potential appreciation of heritage values associated with listed buildings and sites. | **Private**  
- Increased guidance will be provided to property owners regarding the values and matters to be managed when any use, development or subdivision affecting a heritage building or site is proposed. Heritage assessments will also be able to be better targeted to specifically address the values identified in the District Plan.  
- Greater clarity regarding permitted activities.  
- Improved awareness and potential appreciation of heritage values associated with listed buildings and sites. |
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<td>• Appropriate management of historic heritage:</td>
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<td>o Listing: The District Plan will be updated to list all sites identified by the Heritage Management Strategy (2010) as meriting protection and management through the District Plan.</td>
<td>o Alignment with RMA: the plan change aligns with the intent of s.6(f) of the Act, thereby ensuring that historic heritage is appropriately identified and managed within Porirua;</td>
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<td>o Management of historic heritage values: The District Plan will describe the specific historic heritage values associated with each of the listed buildings and sites, and will include specific assessment criteria to be considered and managed</td>
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<td>addressed in ensuring that these values are appropriately managed.</td>
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<td><strong>Other management agencies</strong></td>
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<td>• The District Plan will clearly identify the circumstances where external parties need to be involved in a proposal and who these parties are.</td>
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<td>• No evidence that reliance on non-regulatory methods would be an effective or efficient approach on its own. The approach relies on the willingness of property owners to voluntarily regulate their property rights in the interests of the wider community.</td>
<td>• Decreased effectiveness due to:</td>
<td>• Provides increased efficiency through:</td>
<td>• Provides increased efficiency through:</td>
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<td>o the limited scope of heritage buildings and sites currently included in the District Plan and the extent of the controls that apply to their subdivision, use and development;</td>
<td>o more accurate identification and mapping of heritage buildings and sites;</td>
<td>o more accurate identification and mapping of heritage buildings and sites;</td>
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<td>o the absence of any specific management provisions relating to Section C items.</td>
<td>o Decreased effectiveness due to the limited extent of the controls that apply to the subdivision, use and development of identified heritage buildings and sites.</td>
<td>o identifying and describing the specific and significant values and features of heritage buildings and sites that need to be managed.</td>
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<td>• Creates uncertainty as to what the District Plan is trying to achieve regarding scheduled buildings and sites due to the absence of an explicit assessment framework and specific</td>
<td>• Provides certainty and familiarity through retention of the current District Plan controls.</td>
<td>• Provides increased effectiveness as:</td>
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<td>Effects</td>
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<td>Uncertainty exists due to the lack of an explicit description or definition within the District Plan of the heritage values attributable to identified heritage buildings and sites, and also due</td>
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<td>information relating to these places.</td>
<td>to absence of a specific definition of ‘alteration’.</td>
<td>(2010); o the proposed provisions would enable the Council to more effectively consider and, where warranted, decline applications that could result in poor heritage outcomes.</td>
<td>Certainty o Provides certainty to District Plan users through accurately identifying the heritage outcomes.</td>
<td>Provides increased efficiency and effectiveness by identifying key activities that have the potential to affect the heritage values associated with heritage buildings and sites and applying tailored criteria to guide the assessment of consent applications.</td>
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<td>• Provides certainty and familiarity to existing District Plan users through maintaining the current provisions.</td>
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<td>Enables more efficient and effective co-ordination between external agencies that have an interest in historic heritage as the District Plan clearly identifies the circumstances where external agencies need to be involved in a proposal.</td>
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<td>Certainty</td>
<td>Provides certainty to District Plan users through accurately identifying the</td>
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<td>• Unlikely to reflect the legislative intent expressed in s.6(f) unless an expansive regime of non-financial and financial methods were introduced.</td>
<td>• The District Plan would continue to only partially reflect the legislative intent expressed in s.6(f) and the corresponding definition of historic heritage.</td>
<td>• The District Plan would continue to only partially reflect the legislative intent expressed in s.6(f) and the corresponding definition of historic heritage.</td>
<td>• The District Plan would more comprehensively reflect the legislative intent expressed in s.6(f) and the corresponding definition of historic heritage.</td>
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<td>Alignment with Regional Policy Statement</td>
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<td>• Only partially gives effect to the policy intent in the proposed Regional Policy Statement.</td>
<td>• Continues to only partially give effect to the policy intent in the proposed Regional Policy Statement.</td>
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Heritage buildings, sites and associated values that are to be managed, and the criteria that will be applied to assess consent applications.

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<td>- Does not update the current District Plan heritage schedule to include buildings or sites where information in the Heritage Management Strategy (2010) has identified that they merit inclusion in the District Plan.</td>
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<td><strong>Recognition of Ngati Toa’s role as Mana Whenua</strong></td>
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<td>- Acknowledges Ngati Toa’s role as Mana Whenua in Porirua City and its kaitiaki role.</td>
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<td>- Degradation or irreversible loss of buildings and sites of identified heritage value.</td>
<td>- Degradation or irreversible loss of the buildings and sites identified in the Heritage Management Strategy (2010) not currently included in the District Plan.</td>
<td>- Loss or degradation of identified heritage values though lack of recognition in the District Plan.</td>
<td>- Reduction in the loss of identified buildings and sites and degradation of their associated heritage values.</td>
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<td>- Potential loss of heritage values as a result of demolition by neglect.</td>
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10.0 Conclusion

The above assessment has identified that Options 1 and 2, while offering some cost savings to the Council by not requiring a plan change, would not achieve the effectiveness and efficiency gains offered by the other options. In particular, it would not resolve the issues outlined in section 6.0 of this report, and would only partially reflect the legislative intent articulated in s.6(f) of the Act. For these reasons neither of these options is considered to be appropriate.

The other three options require changes to the District Plan.

The key difference between these options is that option 3 retains the current District Plan heritage provisions and only updates the Heritage Schedule, while Options 4 and 5 comprehensively amend both the historic heritage provisions and corresponding Heritage Schedule.

Of these options, Option 4 is considered to be the most appropriate option as the proposed objectives, policies, rules and other methods will provide the following:

- **Effective historic heritage identification**, through identifying and mapping historic heritage buildings and sites with significant heritage values within Porirua City that merit protection and management through the District Plan;
- **Effective recognition and management of historic heritage values**, by:
  - incorporating statements of significance into the District Plan to help identify and manage the relevant heritage values associated with historic heritage buildings and sites; and
  - incorporating criteria into the District Plan to assess the effects that subdivision, use or development might have on the heritage values associated with historic heritage buildings and sites;
  - identifying key activities that have the potential to affect the heritage values associated with heritage buildings and sites and introducing targeted rules to avoid or mitigate any potential adverse effects;
- **Certainty for private owners of historic heritage**, by clearly identifying buildings and sites in the city that have significant heritage value, the associated heritage values that contribute to their significance, and the criteria to be considered and addressed in assessing any proposal involving their subdivision, use or development. The current District Plan provides little or no guidance on the specific values to be recognised and provided for in the management of identified historic heritage buildings and sites within the city and no clear indication as to what alterations comprise. This, in turn, creates uncertainty along with the potential for increased compliance costs;
- **Alignment with the RMA**, by amending the provisions in the District Plan to more fully recognise and provide for the protection of historic heritage as a matter of national importance;
• **Alignment with the RPS**, by ensuring that the objectives, policies and methods in the District Plan align with the provisions contained in the proposed Regional Policy Statement;

• **Recognition of Ngati Toa's role as Mana Whenua**, by ensuring that adequate consultation is undertaken on any development proposal that affects any building or site with identified Māori cultural values or any identified wāhi tapu or wāhi tūpuna areas; and

• **Inter-agency Co-ordination**, by introducing advice notes that alert District Plan users to other regulatory requirements/external agencies that may be relevant to a development proposal.

AND: Proposed Plan Change 15 to the Operative Porirua City District Plan

REPORT AND RECOMMENDATION OF THE HEARING SUBCOMMITTEE

PLAN CHANGE 15

HEARING
Councillor T M Sheppard (Chair)

SUBCOMMITTEE
Councillor RE Rangi

MEMBERS
Ms Jane Black

IN ATTENDANCE
M Lawler General Manager Strategy and Planning
M Muspratt Senior Policy Analyst (Environment and Heritage)
G Vossler Senior Planner, Boffa Miskell Ltd
S Mika Committee Advisor

HEARING DATE: 21 November 2012

DATE OF RECOMMENDATION:

RECOMMENDATION: (1) That the Council approve Plan Change 15 subject to the alterations in (2) to (8) below:

(2) That Assessment Criteria 9.1 be deleted; and

(3) That Rule 6.2.9 be amended as follows:
Erection of new fencing on a historic heritage site listed in Appendix 10.3.

(Note: there shall be no resource consent fees for proposals that only require a consent under this rule)

(4) That Rule 6.2.11 be amended as follows:
Any subdivision of land that relates to a historic heritage site listed in Appendix 10.3 that is not a controlled activity under rule D4.1.2 (vii).

(5) That a further matter of control be added to 7.2 as follows:
the impact of the works on the heritage values identified in the Statement of Significance for the sites in Appendix 10.3.

(6) That assessment criteria 9.2. Be amended as follows:

Whether-The extent to which the proposal adversely impacts on the historic, social, setting and group, architectural, scientific and technological, Māori cultural, or archaeological values associated with a building or site.

(7) That assessment criteria 9.12 be amended as follows:

The reasons why any works or subdivision are necessary and whether extent to which there are any other means of achieving the same or similar ends with fewer adverse effects.

(8) That the name and location of the Bradey Grave be amended as follows:

Name: Bradey's Grave, Duck Creek, Pauatahanui/Whitby;
Location: Polestar Lane, off Navigation Drive (Lot 2A 3324).

That the text in the Statement of Significance be replaced with the following:

The "Bradey Grave" is marked by a unique cast iron headstone in the shape of a cross with a two dimensional urn mounted on the top and a bronze plaque engraved with the names of Francis Bradey and Keturah Ross. This cross is inset into a concrete slab, surrounded by four concrete corner posts, joined by a steel chain on it's own half acre of land being part of the 100 acres purchased by Francis in London in 1839 from the N.Z. Company. The headstone is remarkably well preserved as Francis was buried here on 29th October 1864 and his wife Keturah on the 5th Nov. 1868. Francis Bradey was a pioneer arriving in Wellington on the "Adelaide" in 1840. The family has a long association with the area including having farmed where Whitby is now built. The site has high archaeological value given the age of the burial and important setting value as it was chosen by Francis for it's panoramic views. It also provides a visible link to our pioneering past, and is a rare and authentic site in that it has been untouched despite the development of the Whitby residential area surrounding it.

(9) That the Council adopt, for the purposes of section 32 (2) of the Resource Management Act 1991, the evaluation contained in Attachment 2 to this report; and

(10) That the Council make the decisions on submissions set out in this report.

(11) That the commitment of funding to private building owners to facilitate the retention of historic heritage, and greater transparency regarding the way in which nominations for listing in the Historic Heritage Schedule are assessed for inclusion or rejection, are matters that will be progressed through progressive implementation of the Heritage Management Strategy.
via the Council's annual and long term plan processes under the Local Government Act 2002.

The reasons for the recommendations are explained in the following pages of this report.
Table of Contents

1 Proposed Plan Change 15 – Procedural Details
2 Appearances at the Hearing
3 Scope of Matters covered by Proposed Plan Change 15
4 Relevant provisions of the RMA
5 Issues raised in Submissions
6 Other matters arising from Submissions

ATTACHMENTS:

1 Summary of recommendations on Submissions
2 Section 32 Evaluation
1 Proposed Plan Change 15 – Procedural Details

1.1 Proposed Plan Change 15 to the Porirua City District Plan ((PPC15) was publicly notified on 29 June 2012. Eight submissions were received by the closing date. A summary of submissions was publicly notified on 24 August 2012. One further submission was received from the New Zealand Historic Places Trust. On 10 October 2012 Greater Wellington Regional Council formally withdrew that part of its submission relating to the Battle Hill Farm Park heritage setting map in Appendix 10.5 and on 30 October 2012 Andrew Manning formally withdrew his submission regarding the extent of the heritage setting around Taylor-Stace Cottage.

1.2 The Hearing Subcommittee was appointed and delegated authority to hear the submissions on PPC15 dated 25 October 2012.

1.3 The recommendations contained in this report are the unanimous decision of the Hearing Subcommittee.

2 Appearances at the Hearing

2.1 The following people appeared and gave evidence in support of submissions on PPC15:

- Mr Clinton Reilly in relation to 1 Motukaraka Point
- Mr Robert MacLean representing New Zealand Historic Places Trust
- Ms Laura Paynter representing Greater Wellington Regional Council

2.2 The pre-circulated section 42A report on matters raised in submissions was prepared by Mr Greg Vossler (Senior Planner with Boffa Miskell Limited). Mr Vossler was the principal author of the changes proposed in PPC15 and presented his report and answered questions from the Subcommittee at the hearing. Mr Vossler was assisted at the hearing by Mr Matt Muspratt (Senior Policy Analyst, Environment and Heritage PCC)

3 Scope of matters covered by Proposed Plan Change 15

3.1 Mr Vossler provided an overview of his report and recommendations.

3.2 He explained the background to PPC15 which was developed in response to elevation of the protection of historic heritage in the RMA in 2003. The Council commenced a ‘Heritage Review’ project in 2005, two outputs of which were the Heritage Inventory Database (prepared in 2008/09) and the Heritage Management Strategy (adopted in 2010).

3.3 PPC15 is a further output of the review project and is a key element in progressing both the action plan set out in the adopted Heritage Management Strategy and the Council’s approved District Plan Rolling Review Programme.
3.4 PPC15 is the first stage of a two stage review of the Heritage section of the Porirua City District Plan 1999. This first stage covers the management of heritage buildings and sites that were identified in the Heritage Management Strategy (2010) as meriting regulatory protection, and includes many of the sites and buildings that are listed in the operative District Plan.

3.5 PPC15 aims to ensure that historic heritage in Porirua City is sustainably managed through:

- Identifying significant historic heritage within the City along with its associated heritage values;
- Recognising the role of Maori in decision making and their relationship with their ancestral lands, water, sites, wāhi tapu and other taonga; and
- Avoiding the loss of heritage values resulting from inappropriate subdivision, modification, use and development of the historic heritage identified.

3.6 PPC15 proposes objectives, policies and rules with assessment criteria to implement Council’s goals in relation to the management of historic heritage.

4 Relevant provisions of the RMA

4.1 The relevant provisions of the RMA were outlined in Mr Vossler’s report. The following are of note:

- Section 5: Promote the sustainable management of natural and physical resources
- Section 6: Matters of National importance and particular relevance:
  - The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga; and
  - The protection of historic heritage form inappropriate subdivision, use and development.
- Section 7: Matters that Council have regard to:
  - The efficient use and development of natural and physical resources;
  - The maintenance and enhancement of amenity values;
  - Maintenance and enhancement of the quality of the environment; and
  - The ethic of stewardship.
- Section 31: Functions of the council to include:
  - The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.
- Section 32: Requires an evaluation of the proposed plan change to examine, having regard to its efficiency and effectiveness as to whether it is the most appropriate for achieving the District Plan objectives.
• Section 74 identifies the matters to be considered by the Council in preparing a plan change and include its functions under Section 31, the provisions of Part II, its duty under Section 32 and any regulations.

• Section 75 stipulates that a District Plan must contain objectives, policies and rules (if any), while Section 76 enables the Council to include rules for the purpose of carrying out its function under the Act and to achieve the objectives and policies of the Plan. In making a rule the Council is required to ‘... have particular regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.’

• Section 75 requires that a District Plan gives effect to any regional policy statement and be consistent with any relevant regional plan. Although there are no regional plans of relevance to this plan change, there are relevant provisions contained in the Proposed Regional Policy Statement for the Wellington Region 2010 (RPS). The RPS contains an objective and policies in relation to heritage values:
  o Objective 15: Historic heritage is identified and protected from inappropriate modification, use and development.
  o Policy (a): protect the significant historic heritage values associated with places, sites and areas identified in accordance with policy 20, from inappropriate subdivision, use, and development; and
  o Policy (b): avoid the destruction of unidentified archaeological sites and wāhi tapu with significant historic heritage values.

• Section 75 of the RMA further requires that a District Plan give effect to any national policy statement. For the purposes of this proposed change there are no relevant national policy statements that are applicable.


5 Issues Raised in Submissions

5.1 New Zealand Historic Places Trust (NZHPT) submitted in support of PPC15. Mr Robert MacLean spoke in support of their submission and thanked the Council for their collaborative efforts by engaging with NZHPT at the earliest stages of development of the proposed plan change.

5.2 Greater Wellington Regional Council (GWRC) supported in part PPC15 and Ms Laura Paynter, Senior Policy Advisor spoke on behalf of Greater Wellington and congratulated Council on the proposed plan change. She advised that they fully supported Council on the process that was undertaken to prepare the Plan Change. GWRC sought the addition of a further matter of control in Section 7.2 to ensure that effects on historic heritage values are taken into account when considering an application for a controlled activity affecting a scheduled site. Similarly section 7.1 similarly sets out matters which the Council has limited the exercise of its control for controlled activities affecting scheduled buildings and includes consideration of the impact of proposed works on associated heritage values. The Subcommittee agreed that this matter is of equal relevance to sites and buildings and that Section 7.2 should be amended accordingly.

**Recommendation**

The Subcommittee recommends that a further matter of control be added to Section 7.2 as follows:

(f) the impact of the works on the heritage values identified in the Statement of Significance for the sites in Appendix 10.3.

5.3 Mr Clinton Riley of Motukaraka Point raised a number of issues in his submission relating to his ability to continue to use his land without undue restriction. Mr Riley spoke in support of his submission. In particular he was concerned with:

- Impact of the listing on the value of his land
- The consent costs and impact on the development of the site
- The extent of the army base being wider than just his land yet the other land has not been included as part of PPC15
- The need to consult with two parties as part of two consent processes

5.4 Mr Riley’s submission sought a number of changes to the provisions:

- Include an objective and associated policy that recognise the ongoing necessity to utilise rural land in a productive manner.
- A new earthworks rule that provides for earthworks as a permitted activity where an archaeological assessment considers there will be no adverse effects on the integrity of an archaeological site and where
necessary an archaeological authority has been obtained, where those earthworks comply with the relevant zone rules;

- Provide as a permitted activity for alterations and additions to buildings on archaeological sites where an archaeological assessment has been undertaken and, where necessary, an archaeological authority has been obtained, where the alternations and additions comply with the relevant zone rules.
- Provide for fencing as a permitted activity where an archaeological authority has been obtained
- Provide for boundary adjustments where an archaeological assessment is provided that supports the proposal should be a controlled activity to be consistent with Rule D4.1.2(vii).

5.5 The Subcommittee understood that Mr Riley considered that the provisions of PPC15 could restrict his ability to carry out routine work on his land. The Subcommittee considered that the provisions of the Rural Zone adequately provide for primary production activities and that the provisions of PPC15 supplement and are complementary to other provisions in the Plan.

5.6 Mr Riley was concerned that that the provisions of PPC15 mean that there would be additional compliance processes for him in carrying out routine rural activities. The Subcommittee agreed that on the face of it, it may appear that there is duplication; however the two requirements have different purposes. The provisions under the Historic Places Act requiring an archaeological authority for proposed works that will result in a site being modified damaged or destroyed focus on investigation and information recording. The provisions of the Resource Management Act requiring a resource consent for proposed work affecting a protected site focus on remedying or mitigating any adverse effects of the work.

5.6 The Subcommittee agreed with Mr Vossler that it would be inappropriate to rely solely on the archaeological authority process to manage the effects of the activities that PPC15 seeks to control as it is not the purpose of that process. It is important that the District Plan contains appropriate provisions to control the potential adverse effects. It is also important to note that as most earthworks (see 6.2.7) are a controlled activity, consent will be granted and there will be no consent fees. The matters that the Council seeks to control in relation to restricted discretionary activities are restricted to those set out in the Plan (section 8.2). In addition, archaeological authorities are not always required where the site postdates 1900, as with the US Marine Camp at Motukaraka Point.

5.7 In respect of the provisions relating to fencing, the Subcommittee agreed with Mr Vossler that it is an activity that can have an adverse effect on the heritage values of a site and therefore the need for a resource consent is appropriate. However, given that fencing is a routine and frequent activity related to primary production activities, the Subcommittee agreed that it would assist applicants if consent fees were not required.
5.8 While PPC15 provides for subdivision as a restricted discretionary activity and therefore an application for a resource consent is required, the Subcommittee acknowledged that minor boundary adjustments are often necessary and that these should be provided for in the same way as they are in the Rural Zone as a controlled activity.

**Recommendation**

The Subcommittee recommends that:

1. Rule 6.2.9 be amended as follows:

Erection of new fencing on a historic heritage site listed in Appendix 10.3.

*(Note: there shall be no resource consent fees for proposals that only require a consent under this rule.)*

2. Rule 6.2.11 be amended as follows:

Any subdivision of land that relates to a historic heritage site listed in Appendix 10.3 that is not a controlled activity under rule D4.1.2 (vii).

5.9 Mr Riley sought some amendments to the wording of the assessment criteria to clarify some inconsistencies. The Subcommittee agreed that the suggested changes would enable clearer understanding of the criteria and consistency of wording. He also sought the removal of Assessment Criteria 9.1 as it duplicates the requirements of the Resource Management Act to undertake an assessment of relevant objectives and policies. The Subcommittee agreed that the assessment criteria unnecessarily duplicate the requirements of the Act.

**Recommendation**

The Subcommittee recommends that:

1. Assessment Criteria 9.1 be deleted.
2. Assessment Criteria 9.2 be amended as follows:

Whether *The extent to which the proposal adversely impacts on the historic, social, setting and groups, architectural, scientific and technological, Maori cultural or archaeological values associated with a building or site.*

3. Assessment criteria 9.12 be amended as follows:

The reasons why any works or subdivision are necessary and whether extent to which there are any other means of achieving the same or similar ends with fewer adverse effects.

5.10 Ted Coats’ submission sought commitment of Council funds to building owners to assist with obligations to retain heritage property and further rigour in identifying
items for listing in the Historic Heritage Schedule. In respect of the first issue, the Subcommittee considered that this was outside the scope of the plan change but that it is a matter that will be progressed through the programme of actions that form part of the Heritage Management Strategy. With regard to the second matter raised, the Subcommittee was satisfied that the plan change sets out policies that guide the identification of historic heritage in Porirua.

5.11 Several submitters (Bradey Guardians, Marguerite Monks and Effie Groeneveld) sought the amendment of and addition to the location, name and Statement of Significance of Bradey’s Grave. The Subcommittee agreed that the information supplied would add to the quality and accuracy of the listing.

Recommendation

The Subcommittee recommends that:

1. The name and location of the Bradey Grave be amended as follows:

   Name: Bradey’s Grave, Duck Creek, Pauatahanui/Whitby;

   Location: Poleslar Lane, off Navigation Drive (Lot 2A 3324).

2. The text in the Statement of Significance be replaced with the following:

   The “Bradey Grave” is marked by a unique cast iron headstone in the shape of a cross with a two dimensional urn mounted on the top and a bronze plaque engraved with the names of Francis Bradey and Keturah Ross. This cross is inset into a concrete slab, surrounded by four concrete corner posts, joined by a steel chain on its own half acre of land being part of the 100 acres purchased by Francis in London in 1839 from the N.Z. Company. The headstone is remarkably well preserved as Francis was buried here on 29th October 1864 and his wife Keturah on the 5th Nov, 1888. Francis Bradey was a pioneer arriving in Wellington on the "Adelaide" in 1840. The family has a long association with the area including having farmed where Whitby is now built. The site has high archaeological value given the age of the burial and important setting value as it was chosen by Francis for its panoramic views. It also provides a visible link to our pioneering past, and is a rare and authentic site in that it has been untouched despite the development of the Whitby residential area surrounding it.

6 Conclusion

6.1 The Subcommittee consider that the recommendations for amendments improve the clarity and understanding of the plan change and better deliver on the objectives and policies of PPC15.
Signed by Councillor T M Sheppard (Hearing Subcommittee Chair)

(Date)

Councillor R E Rangi

(Date)

13 December 2012

Independent Commissioner Jane Black

PCC - #837716-v1
## Summary of recommendations on submissions

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<th>Submission</th>
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<td>NZHPT</td>
<td>Accept</td>
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| Clinton Riley                 | Accept in part          | Rule 6.2.9 be amended as follows: Erection of new fencing on a historic heritage site listed in Appendix 10.3. [Note: there shall be no resource consent fees for proposals that only require a consent under this rule.]
|                               |                         | Rule 6.2.11 be amended as follows: Any subdivision of land that relates to a historic heritage site listed in Appendix 10.3 that is not a controlled activity under rule D4.1.2 (vii)
|                               |                         | Assessment Criteria 9.1 be deleted. Assessment Criteria 9.2 be amended as follows: Whether The extent to which the proposal adversely impacts on the historic, social, setting and groups, architectural, scientific and technological, Maori cultural or archaeological values associated with a building or site.
|                               |                         | Assessment criteria 9.12 be amended as follows: The reasons why any works or subdivision are necessary and whether extent to which there are any other means of achieving the same or similar ends with fewer adverse effects. |
| Ted Coates                    | Reject                  | None                                                                                                                                                |
| Greater Wellington Regional Council | Accept in part | A further matter of control be added to Section 7.2 as follows: (f) the impact of the works on the heritage values identified in the Statement of Significance for the sites in Appendix 10.3. |
| Bradey Guardians              | Accept                  | The name and location of the Bradey Grave be amended as follows: Name: Bradey's Grave, Duck Creek, Pauatahanui/Whitby; Location: Polestar Lane, off Navigation Drive (Lot 2A 3324). |
The text in the Statement of Significance be replaced with the following:

The “Bradey Grave” is marked by a unique cast iron headstone in the shape of a cross with a two dimensional urn mounted on the top and a bronze plaque engraved with the names of Francis Bradey and Keturah Ross. This cross is inset into a concrete slab, surrounded by four concrete corner posts, joined by a steel chain on it's own half acre of land being part of the 100 acres purchased by Francis in London in 1839 from the N.Z. Company. The headstone is remarkably well preserved as Francis was buried here on 29th October 1864 and his wife Keturah on the 5th Nov. 1888. Francis Bradey was a pioneer arriving in Wellington on the “Adelaide” in 1840. The family has a long association with the area including having farmed where Whitby is now built. The site has high archaeological value given the age of the burial and important setting value as it was chosen by Francis for its panoramic views. It also provides a visible link to our pioneering past, and is a rare and authentic site in that it has been untouched despite the development of the Whitby residential area surrounding it.

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<td>Effie J Groeneveld</td>
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