

**RESOURCE MANAGEMENT ACT 1991**

**PROPOSED HOROWHENUA DISTRICT PLAN**

**HEARING OF SUBMISSIONS**

**DECISION OF HEARING PANEL**

**TOPIC:** Report on District Plan  
Historic Heritage

**HEARING PANEL:** Robert Nixon (Chair)  
Cr Tony Rush  
Cr Garry Good

**HEARING DATE:** 9<sup>th</sup> & 12<sup>th</sup> April and 28<sup>th</sup> May 2013

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## **1.0 INTRODUCTION**

- 1.1 We were appointed by the Horowhenua District Council to consider submissions on the Proposed District Plan relating to Historic Heritage.
- 1.2 A hearing into the submissions was held on 9<sup>th</sup> and 12<sup>th</sup> April and 28<sup>th</sup> May 2013. The hearing was closed on the 13<sup>th</sup> September 2013.

### Abbreviations

- 1.3 In preparing this decision we have used the following abbreviations:

DoC	Department of Conservation
District Plan	Horowhenua District Plan
NES	National Environmental Standard
NZHPT	New Zealand Historic Places Trust
NZCPS	New Zealand Coastal Policy Statement
Officer's report	Report evaluating the applications prepared by Ms Lynette Baish for our assistance under s42A(1) of the RMA
One Plan	Proposed Horizons Regional Council One Plan
The Act	Resource Management Act

## **2.0 OFFICER'S REPORT**

- 2.1 We were provided with and reviewed the officer report prepared by Lynette Baish pursuant to s42A of the Act prior to the hearing commencing.
- 2.2 The officer's report identified three key issues raised in submissions, these being the identification of heritage resources, the protection of those resources, and establishing an appropriate balance between private property rights and the protection of heritage items.
- 2.3 During the course of the hearing, the officer noted that the Council still had considerable amount of work to do with respect to more accurately identifying heritage features throughout the district, and in particular cultural heritage sites of importance to Tangata Whenua. This exercise would follow from the work undertaken as part of the Horowhenua Historic Heritage Strategy 2012. She indicated that this work was expected to commence in September 2013, and there was considerable concern expressed by submitters with respect to the delays in having this work undertaken.
- 2.4 Turning to the regulatory provisions contained in the District Plan itself, the Reporting Officer noted that most of the submissions lodged had sought refinements and additions to the text of the Plan, rather than challenging the objectives and policies in principle, or the extent of regulatory intervention proposed either through the listings of heritage features themselves, or the plan provisions.
- 2.5 A small number of submissions had questioned whether compensation should be payable in situations where heritage listings were proposed.

2.6 Some of the key recommendations raised through the officer's report concluded the need to establish a collaborative working relationship between all parties involved in the forthcoming assessment of heritage within the district, the need to recognise that heritage may extend beyond cadastral boundaries, particularly with respect to cultural sites, and the inclusion of references to the ICOMOS charter. Other matters included the importance of education and information (including technical advice and possible rates relief and the Council) and some modest additions to the list of protected features.

### 3.0 SUBMITTER APPEARANCES

3.1 The following submitters made appearances at the hearing:

Dr Huhana Smith (Te Taiao Raukawa)

Ms Rosalie Huzziff

Mr Anthony Hunt, Foxton Historical Society

Ms Vivienne Taueki (heard separately 12 April 2013)

3.2 In addition, a written submission for presentation at the hearing was received from Federated Farmers.

### 4.0 ASSESSMENT OF SUBMISSIONS

#### 4.1 Issue 13.3 Balancing Private Rights/Public Good

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
17.00	Penelope Brown	Retain the method for Issue 13.3 so that Council commit resources such as rates relief to encourage the management and protection of historic heritage buildings.	509.02 New Zealand Historic Places Trust (NZHPT) - Support
96.22	Federated Farmers of New Zealand	Retain Issue 13.3 as notified.	506.11 Ernslaw One Ltd - Support  509.04 New Zealand Historic Places Trust (NZHPT) - Support

These two submissions and further submissions supported the provisions in the District Plan as notified. It is noted however that under the "Methods" for Issue 13.3 and Objective 13.3.1 (first bullet point) that the Council "*may commit resources such as rates relief, grants, waive administration fees, low-interest loans or offer access to professional technical advice ...*". It is not a binding commitment to provide assistance of this nature upon demand, a matter which is discussed further under paragraph 4.7 below. However the Hearing Panel resolved that the submissions and further submissions be accepted on the basis that they support the subject provisions.

## 4.2 Policy 13.1.2

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
67.18	Taiao Raukawa Environmental Resource Unit	Amend Policy 13.1.2 to re-order the bullet points to place 'Māori cultural values' first, followed by 'Archaeological values' second, and then rest of values as currently listed.	

The Hearings Panel resolved that the submission be accepted. The text changes are set out in Appendix A.

## 4.3 Policy 13.2.3

### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
117.11	New Zealand Historic Places Trust (NZHPT)	Include a new Policy in Chapter 13 as follows: <u>The assessment of heritage values in the district for listing will be guided by the ICOMOS Charter for Assessing Historic Heritage Values in the District.</u>	503.00 NZWEA – In-Part
101.65	Director-General of Conservation (DoC)	Amend Policy 13.2.3 by inserting " <u>adhering to ICOMOS principles</u> " to the policy in order to provide assistance to the reader when any maintenance, redecoration, repair etc. type work is required.	509.07 New Zealand Historic Places Trust (NZHPT)- In Part

The ICOMOS NZ Charter contains principles to guide the conservation of places of cultural heritage value in New Zealand, and states that its principles "*should be made an integral part of statutory or regulatory heritage management policies or plans, and should provide support for decision makers in statutory or regulatory processes.*" (p.1, ICOMOS NZ Charter 2010). The reporting officer considered that the ICOMOS NZ Charter would provide a valuable benchmark for assessing consent applications impacting on historic heritage resources and for appraising the appropriate methods for achieving the stated policy outcomes, as well as guiding the interpretation and application of the proposed heritage rules in each of the zones. However rather than amending the policies themselves, she considered that in terms of practical implementation, it would be preferable to add an assessment matter at the rules level. This assessment matter would be taken into account as part of any future listing of further heritage items. Clause 25 of the Rules contains various assessment criteria for assessing resource consents, with clause 25.7.16 containing criteria for assessing the effects on heritage buildings and structures, and on heritage sites respectively. The suggested wording in the officers report was "*the extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to*". The Hearings Panel agreed that this would be an appropriate means of addressing the relief sought through these submissions, and accordingly adopted the proposed wording. It was resolved that the submissions and further submissions be accepted in part, with the text changes set out in Appendix A.

#### 4.4 Policy 13.3.2

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
96.23	Federated Farmers of New Zealand	Retain Policy 13.3.2 as notified.	506.12 Ernslaw One Ltd - Support 509.05 New Zealand Historic Places Trust (NZHPT)- Support

The Hearings Panel resolved that the submission be accepted.

#### 4.5 Policy 13.3.3

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
96.24	Federated Farmers of New Zealand	Retain Policy 13.3.3 as notified.	506.13 Ernslaw One Ltd - Support  509.06 New Zealand Historic Places Trust (NZHPT)- Support

The Hearings Panel resolved that the submission in support of the Policy be accepted.

#### 4.6 Methods for Issue 13.1 & Objective 13.1.1

##### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
11.31	Philip Taueki	No specific relief requested.	
60.24	Muaupoko Co-operative Society	No specific relief requested.	
67.19	Taiao Raukawa Environmental Resource Unit	Amend 13.1 Method to include the following in bullet two:  ...including sites <u>and interrelated areas</u> of significance to Māori <u>including wāhi tapu, wāhi tūpuna</u> and archaeological, within 12 months...	
117.29	New Zealand Historic Places Trust (NZHPT)	Include as part of Method 13.1 the Council has strategies in place to record and list archaeological sites and to adopt layers around archaeologically sensitive areas. The cultural heritage survey should also develop new objectives, policies and rules for significant archaeological sites in the district.	

P. Taueki and the Muaupoko Co-operative Society supported a 'thematic' approach to the identification of sites, which we understood from the evidence of Ms V. Taueki for the Muaupoko Cooperative Society meant the need to consider sites in the broader context rather than "dots on a map". However the submissions did not suggest specific wording changes to the proposed provision. Ms Taueki also expressed considerable frustration at the delay in identifying both

significant sites in areas of significance to Tangata Whenua, and requested that the Council should initiate a variation immediately to address this issue before further sites were compromised by development.

With respect to the NZHPT submission, we were advised by officers that following the completion of the Horowhenua Historic Heritage Strategy in 2012, it was proposed to begin work on a district wide assessment of heritage sites and buildings, including sites in areas of significance to Tangata Whenua. We note that the methods include a "commitment" to commence such a survey within 12 months of the review of the District Plan having been publicly notified - that is, in September 2013. It was noted that *"under the Strategy, the key partners in the survey and associated research/processes are identified as HDC, Iwi, NZHPT, DoC, Historical Societies, Historic Places Manawatu Horowhenua, QEII Trust"*. The Hearings Panel also consider that such an exercise need not exclude other parties that may express a wish to contribute to this process. It was considered appropriate that reference be made to the Horowhenua Historic Heritage Strategy under the "Methods" for Issue 13.1 and Objective 13.1.1, and to this extent the submission of the NZHPT is accepted in-part.

The reporting officer acknowledged the need for specific recognition of indigenous cultural heritage sites, including wāhi tapu, wāhi tūpuna, as well as interrelated areas of significance to Māori, while recognising that its indigenous sites may be tapu and have to be treated with an element of confidentiality. This in turn raises potential difficulties with respect to development on private land where a landowner may be unaware of the implications of development which might otherwise comply with the rules of the District Plan. However that issue can be addressed through an eventual plan change or variation where such sites might be identified or that provision is made in the plan to restrictions on development where such sites *may* exist. We accepted the reporting officer's recommendation that the method should make specific reference to wāhi tapu and wāhi tūpuna.

Both the Muaupoko Cooperative Society and Taiao Raukawa Environmental Resource Unit sought the broader recognition be given not only to identified sites of significance to tangata whenua, but in some cases the wider area, which may have cultural significance extending beyond archaeological remains. We understood that is what the Muaupoko referred to as a "thematic" approach, and what the Taiao Raukawa Environmental Resource Unit was referring to in terms of "interrelated areas" of significance to Maori. The methods accompanying this issue and objective cannot resolve these issues - that would have to be a matter to be dealt with through a subsequent statutory process. Nevertheless we agree that it is appropriate that the wording of the methods be changed to make reference to these interrelated areas.

The Hearings Panel were left in no doubt about the importance of proceeding with the district wide assessment of heritage features, particularly those relating to Tangata Whenua, but also other heritage features, as set out in the submission from the Foxton Historical Society. The Panel has no illusions about the potential for this process to become controversial, particularly with respect to cultural sites which may be located on private land. There will also need to be careful consideration given to the need for widespread consultation with all stakeholders, and involving affected landowners (including Maori land owners) having regard to sensitive locations such as Lake Horowhenua and its surrounds, and other sites of significance to Tangata Whenua. The Hearings Panel has no jurisdiction to determine the allocation of resources by the Council, but would like to express the view that the highest priority should be given to proceeding with the review of cultural and heritage sites throughout the district.

On this basis, the Hearings Panel resolved that the submission points of P.Taueki , the Muaupoko Cooperative Society, and the Taiao Raukawa Environmental Resource Unit be accepted. The text changes to the method are contained in Appendix A.

#### 4.7 Methods for Issue 13.3 & Objective 13.3.1

##### ***Submissions Received***

<b>Sub No.</b>	<b>Submitter Name</b>	<b>Decision Requested</b>	<b>Further Submission</b>
67.04	Taiao Raukawa Environmental Resource Unit	Amend 13.3 Method to include the following in the final bullet:  ...heritage buildings, <u>areas of interrelated significance</u> and sites...	503.01 NZWEA – In-Part
96.25	Federated Farmers of New Zealand	Amend Methods 13.3 as follows:  Through the Long Term Plan and Annual Plan processes, Council <del>may</del> <u>will</u> commit resources such as rates relief, grants, waive administration fees, low interest loans or offer access to professional technical advice to encourage the management and protection of scheduled historic heritage buildings and sites.  That a new bullet point be added the Council will have a cost-share system or a fund to provide landowners with financial assistance regarding their heritage sites.	
103.02	Colin Easton	Amend Chapter 13 through allowing for the setting up of a fund to compensate and assist those that have restrictions placed upon private property for the common good and also rates relief.	
106.00	Rosalie Huzziff	Amend Chapter 13 by allowing the establishment of a fund to compensate and assist those that have restrictions placed upon private property for the common good.	

**Taiao Raukawa Environmental Resource Unit** (67.04) submit that three of the five proposed methods identified under Objective 13.3 be amended – to recognise that historic heritage resources are not necessarily site specific, but may be located within an interrelated area of land that holds significance for an Iwi or hapu. This is similar to the principle raised by the submitter (and the Muaupoko Cooperative Society) with respect to the methods for Issue 13.1 and Objective 13.1.1.

The methods are currently worded to relate to “historic heritage buildings and sites”. As noted above in paragraph 1.6, we recognise that historic heritage is not simply comprised of buildings and monuments, but can extend to include places, sites and areas of cultural and historic significance. The officers report noted that there *“is not always a visible or tangible indication of the*



*historic heritage values of a place – heritage does not necessarily manifest as a physical survival of the past, but instead can exist as a wide and varied mixture of collective memories/shared experiences retold through generations, or as an ascribed association to a place, site, village, town or landscape*". Consistent with our previous findings we recommend that the submission be accepted by amending the methods to refer to "areas of interrelated significance". The text changes are contained in Appendix A.

**Federated Farmers, C.Easton and R.Huzziff** have identified the need for a fund to be set up to provide compensation and/or financial assistance to private landowners with responsibility for heritage resources on their land.

Ms Huzziff was critical of processes for listing buildings in situations where the heritage values have already been lost and where the financial implications for owners were disregarded, citing proposed listings by the Foxton Historical Society as an example. The issue raised through the submissions extends from a decision by Council to list a heritage building, to ongoing responsibility for its maintenance. Decisions to list buildings are subject to justification in terms of Section 32 of the RMA, and in situations where the reasonable use of land may be prevented, there are options under Section 85 of the RMA which could result in a heritage item being removed from heritage listing.

Most district schemes, including the Proposed Horowhenua District Plan, do not impose requirements to maintain heritage items. There is no statutory obligation on a district council to provide financial compensation for the listing of heritage buildings and the associated maintenance. However some council's do provide for a competitive fund whereby assistance can be provided, subject to an application procedure. The reporting officer stated that the Council has a range of mechanisms it has identified to assist land owners and heritage managers to meet their responsibilities. These include the provision of technical advice, the possibility of grant funding and/or low interest loans, as well as rates relief and the waiving of consent application fees. The latter two are directly apportioned from ratepayer contributions and hence represent a public contribution to the heritage resource.

Federated Farmers requested an amendment to the proposed method for Issue 13.3, whereby instead of stating Council *may* support heritage property owners, sought that it state that the Council *would* allocate resources through the Long Term and Annual Plan processes. The reporting officer noted that the allocation of budget funding through the Annual Plan and the Long Term Plan are political processes outside of the ambit of the District Plan and cannot be fettered by it. We agree, and conclude that the relief sought is outside the scope of what can be required under a district plan, quite apart from the fact that a "method" has no statutory force.

The officer's report proposed that the concept of a fund or cost-sharing system be further investigated as part of the work under the Horowhenua Historic Heritage Strategy 2012, specifically through the establishment of a heritage focus group to explore the use of non-regulatory methods and other voluntary mechanisms to incentivise the maintenance and protection of heritage resources. We accept this, and to that extent the Hearings Panel resolved that submission points 96.25, 103.02, 106.00 be accepted in-part, but that the current wording of the method remain unchanged.

## 4.8 Chapter 13 General Matters

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
117.05	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain all objectives, policies and methods in Chapter 13.	
117.12	New Zealand Historic Places Trust (NZHPT)	Include cross referencing in Chapter 13 to the Heritage Strategy and include the Strategy action plans as methods.	

The Horowhenua District Heritage Strategy 2012 sets out a range of strategic goals in respect of historic heritage identification, protection/management, and public awareness-raising and details a comprehensive range of actions in order to achieve those goals. We consider that these goals are broadly consistent with Objectives 13.1.1, 13.2.1 and 13.3.1.

We consider that the addition of a cross reference as well as the inclusion of the Heritage Strategy would provide an appropriate linkage to the Strategy. It was resolved that the submission points be accepted and the proposed amendment making reference to the Strategy be incorporated within the Methods for Objectives 13.1, 13.2 and 13.3. The text changes are shown in Appendix A.

## 4.9 Rules 16.2(d), 16.3(e), 16.7.4 and 16.8.6

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
117.07	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 16.2(d), 16.3(e), 16.7.4 and 16.8.6	

This submission, and others discussed under the following paragraphs below, supported the principle of earthquake strengthening of heritage buildings. Earthquake strengthening of any Group 2 listed building is proposed to be a controlled activity (16.2(d)), with matters of control (16.7.4) being the potential effects of earthquake strengthening work on the heritage values associated with the building. Earthquake strengthening of any Group 1 listed building in the Industrial zone is proposed to be a restricted discretionary activity (16.3(e)), with matters of discretion (16.8.6) being the potential effects of earthquake strengthening work on the heritage values of the building. The submission point in support was accepted.

## 4.10 Rules 17.2(d), 17.3(e), 17.7.4 and 17.8

### *Submissions Received*

Sub No.	Submitter Name	Decision Requested	Further Submission
117.08	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 17.2(d), 17.3(e), 17.7.4 and 17.8.5	

This submission point in support for the Commercial zone provisions was accepted, consistent with our findings with respect to the same matter as discussed under our paragraph 4.9 above.

#### 4.11 Rule 19.1(n)

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
101.68	Director-General of Conservation (DoC)	Amend Rule 19.1(n) by adding the following sentence;  “(iii) Consider ICOMOS NZ Charter to guide <u>conservation work</u> ”, or to that effect.	509.01 New Zealand Historic Places Trust (NZHPT)-  In-Part

We note that this provision sets the activity status of a rule in the Rural zone. DoC has made a similar submission (101.65) in respect of the policy under Issue 13.2 - see our paragraph 5.3 above. While it is understandable that the submitter would seek reference to the ICOMOS NZ Charter, DoC may have confused its application to a rule. If it were incorporated in a manner sought by DoC, it would make the status of the activity uncertain. We agree with the reporting officer that the appropriate place for such a specification would be under another rule within Chapter 19 where Council has the ability or the discretion to require it. Accordingly, the Hearings Panel resolved that this submission point be rejected.

#### 4.12 Rules 19.2(f), 19.3.4(a), 19.7.8 and 19.8

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
117.09	New Zealand Historic Places Trust (NZHPT)	No specific relief requested.  Inferred: Retain Rules 19.2(f), 19.3.4(a), 19.7.8 and 19.8.5	117.09

Consistent with our reasoning and conclusions set out in our paragraph 4.9 and 4.10 above, we have resolved that this submission point in support of the Rural Zone plan provisions be accepted.

#### 4.13 Rule 19.4.10

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
101.69	Director-General of Conservation (DoC)	Amend Rule 19.4.10 by adding references so that in considering an application for resource consent under Rule 19.4.10 will have regard to the matters of assessment set out in Policies 3.4.2 -3.4.5.	

Rule 19.4.10 as part of Chapter 19.4 *Discretionary Activities* and identifies the types of activities in respect of heritage that have discretionary activity status. We agree with the submitter that an explicit reference to the rule could be helpful to users of the plan with respect to heritage matters, and in particular reference to the ICOMOS charter. The officer noted that further changes may be introduced to the Plan once guidance is produced as part of the work identified in the Horowhenua Historic Heritage Strategy 2012.

During the course of the hearing, the reporting officer introduced a modified and improved wording which better reflected the relief sought through submissions. Accordingly, the Hearings Panel resolved that the submission point be accepted in part and a cross reference be incorporated with the rule. The text changes are contained in Appendix A.

#### 4.14 Rule 19.4.11(a)

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
96.31	Federated Farmers of New Zealand	Amend Rule 19.4.11(a) as follows:  (a) Where a site is listed in Schedule 2 – Historic Heritage, the following are discretionary activities:  (i) New building or the extension of the footprint of an existing building or structure on <del>a site</del> <u>the historic site</u> .  (ii) Earthworks <u>on the historic site</u> .  (iii) Subdivision of land <u>where the boundary is on the historic site</u> .	506.17 Ernslaw One Ltd - Support

The definition of site in Chapter 26 reads as follows:

*“Site means an area of land comprised wholly of one (1) certificate of title; or the area of land contained within the allotment of an approved plan of subdivision; or the area of land which is intended for the exclusive occupation by one (1) residential unit; or an area of land held in one (1) computer register.”*

This submission brings up a potential dilemma with the application of the normal legal definition of "site" with that which might encompass a heritage feature. Rule 19.4.10 relates to buildings and structures, Rule 19.4.11 relates to any site listed in Schedule 2 *Historic Heritage*. The officer's report explained that Rule 19.4.11 is framed to capture historic heritage resources that occupy a broad spatial area, as opposed to being concentrated in the form of an object or physical structure. Such an area may or may not have easily identifiable boundaries. For example, a site may be significant for intangible associations ascribed to it, for instance by spiritual values held by tangata whenua. The difficulty for an applicant on a large (e.g. rural) property is that the works on a particular part of the site may have no effect on heritage values, but may trigger a need for consent. Similarly, it may be appropriate to protect the setting of the historic building, as well as the building itself.

This raises a difficult balancing issue between offering reasonable certainty to a landowner, while ensuring that heritage or cultural items are adequately protected. Legal descriptions of street addresses have in the past created significant difficulties, particularly where there are errors in the listing. In the case of broader "sites", some of the uncertainties associated with the application of the rules may be addressed following the completion of the proposed survey of heritage sites program to start in late 2013.

We have doubt that the proposed wording suggested by Federated Farmers will in fact provide the relief sought, in the absence of a definition of "historic site". We suspect that if the matter was subject to litigation, the "historic site" would ultimately have to be taken to mean the site as defined under the District Plan. The Hearings Panel considers that normally the heritage listing should

apply to the entire site (legally defined entity) but in situations involving larger properties, the listing could be accompanied by a plan and in an appendix identifying that part of the site which comprises the setting, or which is considered as having broader heritage significance. This however is a matter that cannot be resolved until a review of heritage sites is undertaken and the plan change or variation initiated.

The Hearings Panel resolved that the submission point be rejected, but noted that this submission point again reinforces the need to undertake and complete a variation relating to heritage and cultural sites, which provides a greater degree of accuracy and certainty for landowners.

#### 4.15 Rules 20.2(d), 20.3(e), 20.7.4 and 20.8.5

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
117.10	New Zealand Historic Places Trust (NZHPT)	No specific relief requested. Inferred: Retain Rules 20.2(d), 20.3(e), 20.7.4 and 20.8.5.	

This submission point in support of the Open Space zone plan provisions relating to earthquake strengthening of heritage buildings is accepted, consistent with our earlier findings on the same point set out in our paragraphs 4.9 and 4.10 above.

#### 4.16 Schedule 2: Historic Heritage – Buildings, Structures & Sites

##### ***Submissions Received***

Sub No.	Submitter Name	Decision Requested	Further Submission
34.00	Foxton Historical Society	Include the Foxton properties/locations from the list provided by the Historical Society within Schedule 2.	509.03 New Zealand Historic Places Trust (NZHPT) - Support
117.01	New Zealand Historic Places Trust (NZHPT)	Amend Schedule 2 to update terms Category I and II to read as Category 1 and 2.	
117.02	New Zealand Historic Places Trust (NZHPT)	Amend Schedule 2 to include a column titled 'New NZHPT Category' and the following sites will be identified using this column with the text ' Under consideration and will confirm at hearing'  Duncan House, All Saints Church, Nye Homestead Sunnyside, Dwelling, Opiki Suspension Bridge, Tane Flaxmill remains.	
117.00	New Zealand Historic Places Trust (NZHPT)	Include the house located at 947 Koputaroa Road, Levin as a Category 2 registered historic place in Schedule 2.	

Schedule 2 contains details and property information in relation to those historic buildings, structures and sites that are determined to be worthy of protection under the Plan. The structure of the schedule has been modified to differentiate between historic heritage that is of local, regional and national significance.

**The Foxton Historical Society** sought the inclusion of 23 additional buildings in the township, which has a long historical association with early industry and transport in the region. The Society expressed considerable frustration with what they saw as slow progress assessing and listing heritage buildings, similar to the views echoed by the Muaupoko Cooperative Society with respect to Maori sites. (Refer to Part 4.6 above)

We can understand the frustration of the Society with the slow progress made, albeit that the Council has now prepared the Horowhenua Historic Heritage Strategy and proposes to commence a detailed assessment of heritage resources in the District in September 2013. We did however agree with the conclusions of the officer's report that it was important to consult with the affected owners of these properties before any listing of them was contemplated. We also consider that a professional assessment of the buildings proposed listing by qualified heritage consultant and/or NZHPT would also be required as part of any listing process. For these reasons it was resolved that the submission of the Foxton Historical Society and the further submission in support be rejected.

**NZHPT** (117.01) sought that the Trust's heritage categories be correctly labelled as "1" and "2" rather than "I" and "II". This is a minor technical correction, and the Hearings Panel resolved that it be accepted.

NZHPT (117.02) also sought that a number of heritage buildings subject to review through its registration process also be added to the listing in Schedule 2. However, consistent with the approach taken with the submission of the Foxton Historical Society, we agreed with the reporting officer that it would be more appropriate for the addition of these particular structures to form part of the district wide review of heritage features to begin in September 2013. We expect that this would ultimately lead to a variation or change to the District Plan to incorporate the necessary features once a comprehensive assessment of all relevant heritage features has been undertaken. For this reason, the Hearings Panel resolved that this particular submission point be rejected.

Finally, NZHPT (117.00) also requested that an additional site be incorporated into Schedule 2, in circumstances which are somewhat unusual. This relates to an existing Category 2 listed dwelling now located at 947 Koputaroa Road, that is currently not identified in Schedule 2. We were advised that the dwelling on this site was previously listed in the Operative Plan at 41 Bath Street, Levin, but in 2005 the building was relocated to its current location in Koputaroa Road. Relocating heritage buildings is generally discouraged in terms of the protection of heritage, and under the ICOMOS charter. However in some cases, protection of the building on its existing site is impracticable for range of reasons and the relocation is the only alternative to demolition. NZHPT are apparently satisfied that despite the building being relocated, it remains worthy of its heritage listing. It was also noted that no further submission was received regarding the inclusion of this dwelling in Schedule 2.

The Hearing Panel resolved that this submission be accepted.

The amendments to the Plan are contained in Appendix A.

## **5.0 SECTION 32**

5.1 Section 32 requires an evaluation of whether the 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 and other methods are the most appropriate for achieving the objective. As we understand it the use of the term “most appropriate” in s.32(3) of the Act has a meaning similar to suitable rather than superior. As such, changes sought therefore only need to be preferable in resource management terms to the existing provisions in order to be the “most appropriate” way of satisfying the purpose of the Act.

- 5.2 None of the submissions made on the Proposed Plan involved adding additional objectives policies or rules, or making existing provisions more restrictive, and accordingly no changes were made to the plan provisions which have the effect of increasing their regulatory impact. This is yet another topic area where there is perhaps a surprising lack of opposition to the heritage listings proposed through the District Plan - and the primary opposition concerned the Council's alleged failure to greatly extend the potential number of listed heritage and cultural sites.
- 5.3 Submissions by Huzziff (106.00), Federated Farmers (96.22 and 96.25), Easton (103.02) and Brown (17.00) did seek a greater commitment by the Council to providing a commitment - effectively in the case of the Federated Farmers submission, a binding commitment - to funding and assistance to the owners of heritage buildings in various forms. The ability of the District Plan to contain such binding provisions was discussed under our paragraph 5.7 above. There were no challenges seeking the removal of objectives and policies, or submissions that the rules be made more liberal with respect to the demolition or alteration of heritage buildings, and the officers reports made no reference to any specific section 32 challenges made through submissions.

## 6.0 DECISION

For all of the foregoing reasons we resolve the following:

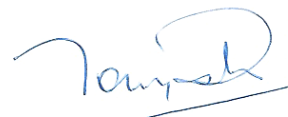
1. That pursuant to clause 10 of Schedule 1 to the Resource Management Act 1991 that the Horowhenua District Plan be amended as set out in Appendix A to this decision.
2. That for the reasons set out in the above report submissions and further submissions are accepted, accepted in part or rejected as listed in Appendix B to this decision.



**Robert Nixon (Chair)**



**Cr Garry Good**



**Cr Tony Rush**

**Dated: 23 September 2013**

## APPENDIX A: Proposed District Plan as amended by Hearing Decisions

Amend Policy 13.1.2 to read:

Identify historic heritage that contributes to an understanding and appreciation of the culture and history of the District, the region and/or New Zealand that is significant in terms of one or more of the following values:

- Maori cultural values
- Archaeological values
- Historic values
- Social values
- Setting and group values
- Architectural values
- Scientific and technological values
- ~~Maori cultural values~~
- ~~Archaeological values~~

Amend Methods for Issue 13.1 & Objective 13.1.1 (under District Plan) to read:

- Commence, in line with the Horowhenua Historic Heritage Strategy 2012, a comprehensive survey of historic heritage in the District including sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites, within 12 months of the date of the notification of the Proposed District Plan. The survey should apply a thematic approach to the identification of prospective historic heritage buildings, and sites and interrelated areas and be undertaken in consultation with Iwi, local historical societies, the NZHPT and potentially affected landowners.

Include new Method for Issue 13.1 and Objective 13.1.1 (under Other Council Initiatives)

- Implement the action plan outlined in the Horowhenua District Heritage Strategy 2012 in order to identify the heritage resources that are representative of the District's history of occupation and settlement.

Include new Method for Issue 13.2 and Objective 13.2.1 (under Other Council Initiatives)

- Implement the action plan outlined in the Horowhenua District Heritage Strategy 2012 in order to appropriately protect and manage heritage resources that have been identified as requiring protection or management.

Amend Methods for Issue 13.3 and Objective 13.3.1 (under Other Council Initiatives) to read:

- Through the Long Term Plan and Annual Plan processes, Council may commit resources such as rates relief, grants, waive administration fees, low interest loans or offer access to professional technical advice to encourage the management and protection of scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.
- Provide guidance and advice to assist landowners to sensitively manage scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.



- Liaise and collaborate with landowners, Iwi and other groups and agencies with interests in the management and protection of scheduled historic heritage buildings, sites and areas of interrelated significance ~~and sites~~.

Amend Methods for Issue 13.3 and Objective 13.3.1 (under Other Council Initiatives)

- Implement the actions identified in the ~~Council's Heritage Strategy~~ Horowhenua District Heritage Strategy 2012.

Amend Rule 19.4.10 to read:

Rule 19.4.10 is proposed to include an additional note as follows:

- Note: Any application made under 19.4.10 must demonstrate a regard for policies detailed under Chapter 13 of this Plan, in addition to assessment criteria under 25.7.16, the ICOMOS New Zealand Charter 2010 referenced in this Plan by association, and the Foxton and Shannon Town Centre Design Guide and the Foxton and Shannon Town Centre Heritage Overlay Areas within the Proposed District Planning Maps, in undertaking maintenance, conservation and other works on any heritage building, structure or site identified in Schedule 2 Historic Heritage.

Include new Assessment Criteria to 25.7.16(a) to read:

(xvi) The extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to.

Include new Assessment Criteria to 25.7.16(b) to read:

(vii) The extent to which the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (2010) apply and, where applicable, have been substantially adhered to.

Amend Schedule 2 Historic Heritage – Buildings, Structures & Sites to read as follows:

**Historic Heritage Group 1: Buildings and Structures (outstanding national and/or regional significance)**

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
21A	H45	Shannon Railway Station	Plimmer Terrace, Shannon	Railway Station	Lot 1 DP 71514	† <u>1</u>
4	H55	Weraroa State Farm	Hokio Beach Road, Levin	Former Boys' Training Centre, State Farm, Experimental Farm	Section 1 SO 36420	† <u>1</u>

## Historic Heritage Group 2: Buildings and Structures (regional and/or local significance)

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
14,15	H1	Duncan House	11A Ladys Mile Foxton	Restaurant	Lot 3 DP 9245	
14,15	H2	All Saints Church	53 Main Street, Foxton	Church	Pt Blk VIII Te Awahou	
4	H3	Nye Homestead Sunnyside	64 Newth Road, Foxton	Dwelling	Pt Rural Section 428 Foxton Township	
14,15	H4	Dwelling	31 Robinson Street, Foxton	Dwelling	Lot 2 DP 32194	
27B	H6	Dwelling	51 Bath Street, Levin	Dwelling	Lot 1 DP 65398	# <u>2</u>
28B	H7	St Johns Methodist Church	90 Cambridge Street, Levin	Church	Lot 2 DP 85699	# <u>2</u>
29	H8	Dwelling	29 Keepa Street, Levin	Dwelling	Lot 18 DP 2115	# <u>2</u>
27	H9	Dwelling	31 Keepa Street, Levin	Dwelling	Lot 20 DP 2115	# <u>2</u>
28B	H10	Thompson House	4 Kent Street, Levin	Cultural Centre	Lots 1 & 2 DP 45727 Sections 3, 5 Blk XVIII Town of Levin	# <u>2</u>
27A	H11	Former Bank of Australia	24 Queen Street, Levin	Commercial Building	Pt Section 12 Blk IX Township of Levin	# <u>2</u>
25	H13	Dwelling	8 Roslyn Road, Levin	Dwelling	Lot 2 DP 66276	# <u>2</u>
27	H14	Dwelling	1 Victoria Street, Levin	Dwelling	Pt Lots 1 & 2 DP 2142	# <u>2</u>
27A	H15	Horowhenua College Main Building	Weraroa Road, Levin	Secondary School	Section 87 Pt Sections 6 & 7 DP 1656	# <u>2</u>
27A	H17	Walkerley Homestead	120A Weraroa Road, Levin	Dwelling	Pt Lot 1 DP 16531 & Pt Section 20 Town of Levin SO 12912	# <u>2</u>
28B	H18	Dwelling	94 Winchester Street, Levin	Dwelling	Lot 1 DP 67353	# <u>2</u>
28	H19	Dwelling (Naumai)	1 Winslow Place, Levin	Dwelling	Lot 1 DP 67637	# <u>2</u>
37	H20	War Memorial Sarcophagus	Honi Taipua Street, Manakau	Memorial	Rly I.D. 56166 Land Plan 2982	# <u>2</u>
37	H21	Former Manakau Post Office	Honi Taipua Street, Manakau	Part Dwelling	Lot 2 DP 81871	# <u>2</u>

37	H22	Manakau School	Mokena Kohere Street, Manakau	Primary School	Lots 32-37 DP 420 Manakau Township	# <u>2</u>
37	H23	St Andrews Church	Mokena Kohere Street, Manakau	Church	Section 38 Town of Manakau	# <u>2</u>
37	H25	Former Methodist Church	State Highway 1, Manakau	Dwelling/Craft shop	Pt Lot 15 DP 415	# <u>2</u>
22	H26	Mangahao Hydro Electric Power Station	Mangahao Road, Mangahao	Power Generation Station and Museum	Sections 11, 12 & 17 Pt Sections 1, 6, 8, 10 & 11 DP 457	# <u>2</u>
22	H27	House No 12	12 Blackwood Drive, Mangaore Village	Dwelling	Lot 12 DP 71908	# <u>2</u>
22	H28	1 Hay Street Mangaore	1 Hay Street Mangaore	Dwelling	Lot 1 DP 71906	# <u>2</u>
22	H29	House	2 Hay Street, Mangaore	Dwelling	Lot 2 DP 71906	# <u>2</u>
22	H30	Staff Hostel	3 Hay Street, Mangaore	Dwelling	Lot 3 DP 71906 Lots 19, 31, 34 & 44 DP 71908, Pt Lot 3 DP 178	# <u>2</u>
22	H31	Dwelling	17 Petticoat Lane, Mangaore Village	Dwelling	Lot 17 DP 71908	# <u>2</u>
22	H32	Dwelling	18 Petticoat Lane, Mangaore	Dwelling	Lot 18 DP 71908	# <u>2</u>
34,35	H33	St John the Baptist Church	Muhunoa East Road, Levin	Church	Pt Section 6 Town of Ohau (SO 12978)	# <u>2</u>
7	H34	Old Kuku Dairy Factory	State Highway 1, Kuku	Tui Trading Co Shop	Lot 4 DP 73189	# <u>2</u>
2	H35	Opiki Suspension Bridge	Rangitane Road near State Highway 56	Disused Bridge		# <u>2</u>
2	H36	Tane Flaxmill remains	Rangitane Road, Opiki	Mill remains	Pt Lot 1 DP 9314	
2	H37	Akers Homestead	State Highway 56, Opiki	Dwelling	Pt Lot 1 DP 10283	
2	H37	Akers Homestead	State Highway 56, Opiki	Woolshed	Pt Lot 1 DP 10283	
21A	H38	Club Hotel	2 Ballance Street, Shannon	Stables and Hotel	Sections 271, 272, 273 & 274, DP 368	# <u>2</u> (stables only)
21A	H39	Dwelling	55 Bryce Street, Shannon	Dwelling	Section 363 DP 368	# <u>2</u>

21A	H40	Dwelling	57 Bryce Street, Shannon	Dwelling	Section 364 DP 368	# <u>2</u>
21A	H41	Albion Hotel	2 Grey Street, Shannon	Hotel	Section 188A DP 368	# <u>2</u>
21A	H42	Former Shannon Police Station	17 Nathan Terrace, Shannon	Dwelling	Section 325 DP 368	# <u>2</u>
21A	H43	Percy Nation Boer War Memorial	Plimmer Terrace, Shannon	Memorial	Lot 1 DP 71514	# <u>2</u>
21A	H44	WW1/WW2 War Memorial	Plimmer Terrace, Shannon	Memorial	Lot 1 DP 71514	# <u>2</u>
21A	H46	Former Bank of New Zealand	76 Plimmer Terrace, Shannon	Disused Bank with first floor residential	Pt Section 194 DP 368	# <u>2</u>
5	H47	Miranui Flaxmill remains	State Highway 57, Shannon	Mill remains	Lot 1 DP 13248, Lot 1 DP 30532, Pt Lot 1 DP 40776	
21A	H48	Former Shannon Post Office	Stout Street/Plimmer Terrace, Shannon	Commercial Building and dwelling	Lot 1 DP 66855	# <u>2</u>
21A	H49	Church of the Venerable Bede	34 Stout Street, Shannon	Church	Sections 217 & 218 DP 368	# <u>2</u>
21A	H50	Venerable Bede Church Hall	34 Stout Street, Shannon	Church Hall	Sections 217 & 218, DP 368	# <u>2</u>
21	H51	Dwelling	56 Stout Street, Shannon	Dwelling	Lot 2 DP 43058	# <u>2</u>
21	H52	Dwelling	64 Stout Street, Shannon	Dwelling	Pt Section 144, 145 DP 369	# <u>2</u>

Include a new entry to Historic Heritage Group 2: Buildings and Structures (regional and/or local significance) to read:

<u>4</u>	<u>H56</u>	<u>Dwelling</u>	<u>947 Koputoroa Road</u>	<u>Dwelling</u>	<u>Lot 1 DP 57695</u>	<u>2</u>
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**Historic Heritage Sites (sites and areas that are of national, regional and/or local significance)**

Map	Ref	Site Name	Location	Description	Legal Description	NZHPT Category
19	H53	Hydrabad (1865 – 1878) Wreck Site	Waitarere/Hokio Beach (650 metres south of the beach access track at the end of Hydrabad Drive)	Ship Wreck	Grid Reference: NZTM E1785420 N5507343	# <u>2</u>
1	H54	Foxton Moa Hunter Midden	Wylie Road, Foxton	Midden/Oven	Pt Lot 4 DP 60293	# <u>2</u>

Amend Planning Map 4 as attached to show new Heritage Feature H56.

**LEGEND**  
**ZONES**

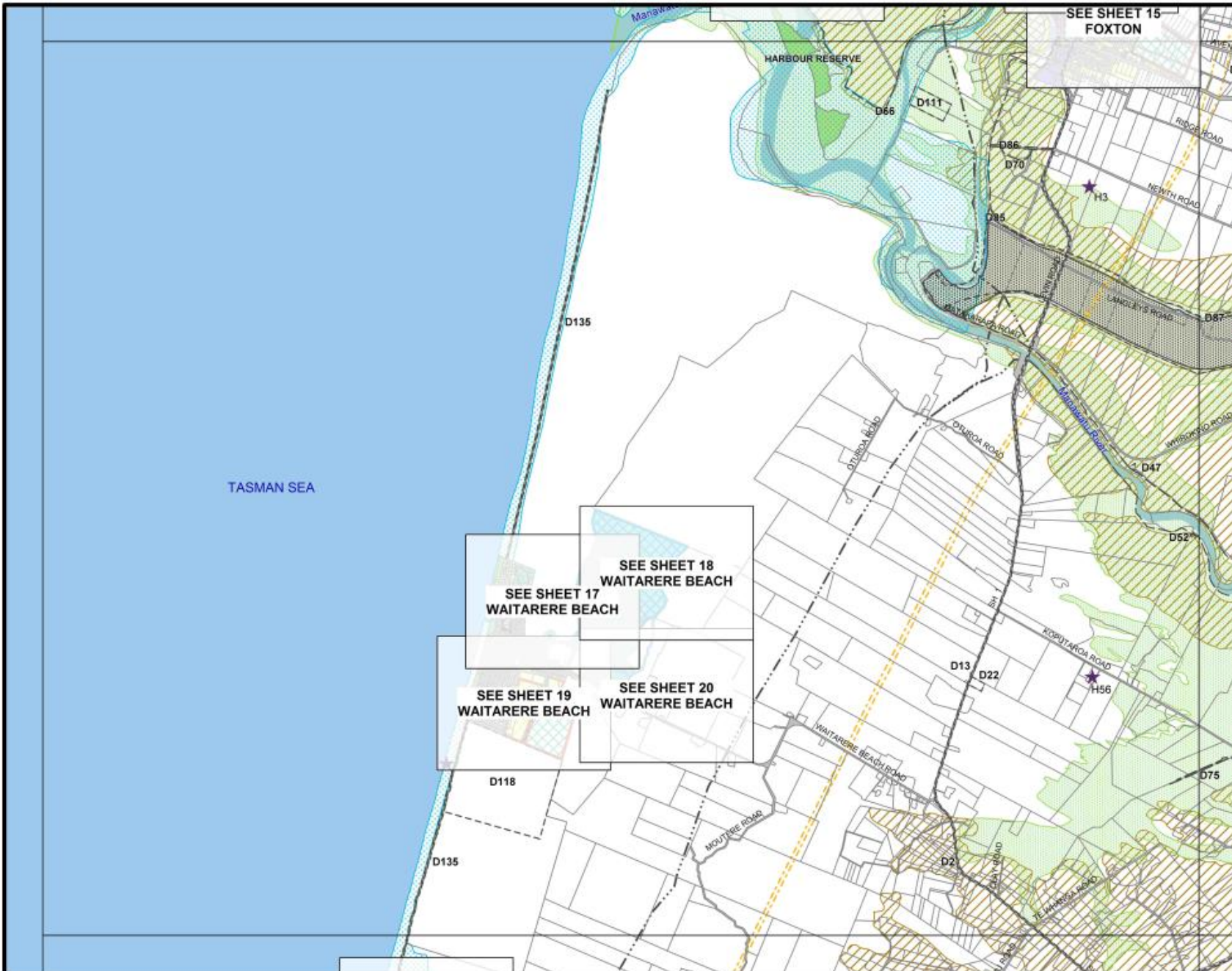
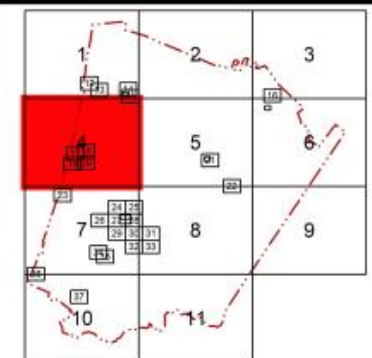
- Commercial Zone
- Industrial Zone
- Residential Zone
- Rural Zone
- Greenbelt Residential Zone
- Open Space Zone
- Residential Deferred Zone
- Greenbelt Residential Deferred Zone

**OVERLAYS**

- Greenbelt Residential Waitarere Rise
- Greenbelt Residential Foxton Beach North
- Strathnaver Coastal Natural Character Area
- Strathnaver Coastal Hazard Area
- Muhunua West Forest Park
- Muhunua West Forest Park Coastal Natural Character and Hazard Area
- Low Density Area
- Medium Density Area
- Large Format Retail Area
- Town Centre Heritage/Character Area
- Foxton Tourism Area
- Pedestrian Area
- Coastal Natural Character and Hazard Area
- Flood Hazard Area (1:50,000 Rural Maps Only)
- Moutoa Floodway (1:50,000 Rural Maps Only)
- Versatile Land (LUC Class I & II Soil)

**FEATURES**

- Notable Tree
- Historic Heritage Building, Structure or Site
- Gas Transmission Pipeline
- National Grid Corridor (High Voltage Transmission Line)
- Designation
- Road



SEE SHEET 17  
WAITARERE BEACH

SEE SHEET 18  
WAITARERE BEACH

SEE SHEET 19  
WAITARERE BEACH

SEE SHEET 20  
WAITARERE BEACH

Scale 1 : 50,000

**HOROWHENUA DISTRICT PLAN**  
**RURAL**

**Planning Map 4**

## APPENDIX B: Schedule of Decisions on Submission Points

Sub. No	Further Sub. No.	Submitter Name	Further Submitter	Decision
17.00	509.02	Penelope Brown New Zealand Historic Places Trust (NZHPT)	Support	Accept Accept
96.22	506.11 509.04	Federated Farmers of New Zealand Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support Support	Accept Accept Accept
67.18		Taiao Raukawa Environmental Resource Unit		Accept
117.11	503.00	New Zealand Historic Places Trust (NZHPT) NZWEA	Support In-Part	Accept In-Part Accept In-Part
101.65	509.07	Director General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support In-Part	Accept In-Part Accept In-Part
96.23	506.12 509.05	Federated Farmers Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support	Accept Accept Accept
96.24	506.13 509.06	Federated Farmers of New Zealand Ernslaw One Ltd New Zealand Historic Places Trust (NZHPT)	Support Support Support	Accept Accept Accept
11.31		Philip Taueki		Accept
60.24		Muaupoko Co-operative Society		Accept
67.19		Taiao Raukawa Environmental Resource Unit		Accept
117.29		New Zealand Historic Places Trust (NZHPT)		Accept In-Part
67.04	503.01	Taiao Raukawa Environmental Resource Unit NZWEA	Support In-Part	Accept Accept In-Part
96.25		Federated Farmers of New Zealand		Accept In-Part
103.02		Colin Easton		Accept In-Part
106.00		Rosalie Huzziff		Accept In-Part
117.05		New Zealand Historic Places Trust (NZHPT)		Accept
117.12		New Zealand Historic Places Trust (NZHPT)		Accept
117.07		New Zealand Historic Places Trust (NZHPT)		Accept

117.08		New Zealand Historic Places Trust (NZHPT)		Accept
101.68	509.01	Director-General of Conservation (DoC) New Zealand Historic Places Trust (NZHPT)	Support In-Part	Reject Reject
117.09		New Zealand Historic Places Trust (NZHPT)		Accept
101.69		Director-General of Conservation (DoC)		Accept In-Part
96.31	506.17	Federated Farmers of New Zealand Ernslaw One Ltd	Support	Reject Reject
117.10		New Zealand Historic Places Trust (NZHPT)		Accept
34.00	509.03	Foxton Historical Society New Zealand Historic Places Trust (NZHPT)	Support	Reject Reject
117.01		New Zealand Historic Places Trust (NZHPT)		Accept
117.02		New Zealand Historic Places Trust (NZHPT)		Reject
117.00		New Zealand Historic Places Trust (NZHPT)		Accept