

# Horowhenua District Plan

## Section 42A Report

### Proposed Plan Change 1

*(Historic Heritage – Update of Schedule 2 to include additional buildings, structures and sites and consequential other amendments)*

May 2018

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# 1 Executive Summary

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A full review of the former Horowhenua District Plan (1999) (hereafter referred to as the District Plan) was undertaken between 2012 and 2013, with the Horowhenua District Council (the Council) making its second generation District Plan operative on 1 July 2015. As part of this review, Schedule 2 – Historic Heritage was updated to fully reflect the current range of buildings, structures and sites within the district included on the New Zealand Heritage List/Rārangī Kōrero administered by Heritage New Zealand Pouhere Taonga (Heritage NZ).

The changes made to Schedule 2 as part of the District Plan Review were considered to be an interim measure until a more comprehensive review of local historic heritage was undertaken. In 2015/16 the Council sought nominations from the community regarding additional buildings, structures or sites for possible inclusion in Schedule 2. The nominations received were subsequently assessed by suitably qualified heritage professionals to determine their eligibility.

Based on the outcome of this assessment, Proposed Plan Change 1 to the District Plan proposes to update Schedule 2 to include additional non-residential buildings, structures and sites along with other consequential amendments.

Through the public notification process a number of submissions were received supporting and opposing the proposed plan change. These ranged from submissions in support requesting adoption of specific provisions as proposed, through to others that requested changes to wording or the deletion of specific changes.

The purpose of this report is to summarise the key issues raised in submissions and to provide advice on these matters to the Hearings Panel. All of the individual submission points raised have been evaluated in this report, with specific recommendations provided for each point. The recommendations include amendments to the proposed plan change such as adding wording to some provisions.

## 2 Introduction

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### 2.1 Qualifications

My full name is Caitlin Mary O'Shea. I hold a Bachelor of Resource and Environmental Planning (Honours) degree from Massey University, Palmerston North, New Zealand. I have over two years' experience as a planner. This includes working at Horizons Regional Council as a Policy Assistant before moving to Horowhenua District Council in March 2016 to work as a Graduate Strategic Planner and more recently as a Strategic Planner. I am also an Intermediate Member of the New Zealand Planning Institute. I am familiar with the content of Proposed Plan Change 1, having been closely involved in its development prior to public notification in 2017.

### 2.2 Outline

This report considers submissions and further submissions which were received in response to Proposed Plan Change 1 to the District Plan. This report has been prepared in accordance with section 42A of the Resource Management Act 1991 to assist the Hearing Panel with its consideration of submissions received in respect of this Plan Change.

This report is structured according to the following format:

- An overview of Proposed Plan Change 1
- Statutory Requirements
- Analysis of Submissions
- Recommended Amendments to Proposed Plan Change 1

The report discusses each submission or groups of similar submissions and includes a recommendation from the reporting officer on each submission received; it should be noted that **the recommendations do not represent the decision of the Council**.

Following consideration of all the submissions and supporting evidence, if any, presented by the submitters and further submitters at the hearing, the Hearing Panel will make recommendations to the full Council. The Council will consider those recommendations and then make a decision concerning each submission. The report includes recommendations to accept, accept in part, reject or reject in part individual submission points and any amendments to Proposed Plan Change 1.

The amendments to the District Plan arising from the officer recommendations discussed throughout this report are listed in full in Appendix 3. The suggested amendments are set out in the same style as the District Plan.

The Analysis of Submissions section has been structured by grouping submission points according to individual amendments in the Proposed Plan Change. As far as possible, the individual submission points are listed in order to match the contents of each amendment. The submission points relating to text or maps in each amendment are listed first. Each submission and further submission has been given a unique number (e.g. 01/01), with the prefix referring to the Plan Change number and the final two numbers referring to the submitter.

Where a submission relates to several different parts of the same amendment an additional number has been added to the submission number (e.g. 01/01.1) to help distinguish within the report which part of the submission is being discussed.

This report contains selected text from the Plan Change documents, either when changes have been requested by a submitter or where a change is recommended by the reporting officer. Where new text is included in this report the following protocols have been followed:

- Text introduced by way of Proposed Plan Change 1 is shown as underlined (i.e. abcdefghijkl)
- Text requested to be deleted by Proposed Plan Change 1 is struck-out (i.e. ~~abcdefghijkl~~)
- Amendments recommended by the reporting officer are highlighted, with additional text underlined and deleted text struck-out (i.e. ~~abcdefghijkl~~)

## 3 Proposed Plan Change 1

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### 3.1 Background

A full review of the former District Plan (1999) was undertaken between 2012 and 2013, with the Council making its second generation District Plan operative on 1 July 2015. As part of this review, 'Section 7 – Issues, Objectives: Heritage', of the previous District Plan was replaced by 'Chapter 13 – Objectives/Policies: Historic Heritage' of the now operative District Plan.

As well as introducing changes to the objectives, policies and rules in the Plan, Schedule 2 – Heritage was also updated to fully reflect the current range of buildings, structures and sites within the district included on the Register of Historic Places, Historic Areas, Wahi Tapu, and Wahi Tapu Areas (now the New Zealand Heritage List/Rārangi Kōrero) administered by Heritage NZ.

The changes made to Schedule 2 as part of the District Plan Review were considered to be an interim measure until a more comprehensive review of local historic heritage was undertaken. In 2015/16 Council sought nominations from the community regarding additional buildings, structures or sites within the district for possible inclusion in Schedule 2. These nominations were subsequently assessed by suitably qualified heritage professionals and non-residential buildings or structures that met the criteria for inclusion in Schedule 2 are proposed to be included through this Plan Change.

Proposed Plan Change 1 comprises amendments to the following parts of the Plan:

- Section 13: Amend methods for Issue 31.1 & Objective 13.1.1 and Issue 13.2
- Schedules - Amend Schedule 2 Historic Heritage – Buildings, Structures & Sites to include recommended buildings, structures and sites
- Planning Maps – Amend the planning maps to show buildings, structures and sites proposed for inclusion in Schedule 2

### 3.2 Consultation & Process

There have been various stages of engagement with the community throughout the development of the plan change. The community had the opportunity in 2015/16 to nominate what they considered to be historically significant buildings, structures and sites.

Landowners whose buildings were nominated and met the criteria were provided with the option of having them included or not in Schedule 2, with the buildings of those in support proposed as part of this plan change.

Council held drop-in tables in November 2017 to enable the community to come along and learn more about the plan change and to provide feedback. Additionally, owners of heritage buildings, structures and sites identified as potential candidates for listing were directly contacted for their input into the process.

Specific consultation was also undertaken with statutory agencies as required under Clause 3(1) of Schedule 1 of the RMA. This included:

- The Minister for the Environment
- Horizons Regional Council

- Greater Wellington Regional Council
- Kapiti Coast District Council
- Manawatu District Council
- Masterton District Council
- Palmerston North City Council
- Tararua District Council
- Tanenuiarangi Manawatu Incorporated
- Te Runanga o Ngāti Apa Trust
- Muaūpoko Tribal Authority
- Taiao Raukawa
- Kikopiri
- Ngāti Huia
- Ngāti Huia – Ki Matau
- Te Iwi o Ngāti Tukorehe Trust
- Ngāti Whakare
- Muaūpoko Cooperative Society
- Ngāti Wehi Wehi

The Plan Change was publicly notified on 3 November 2017, with the period for making a submission closing on 5 December 2017. A total of 7 submissions were received. The summary of submissions was notified on 2 February 2018, with the further submission period closing on 19 February 2018. No further submissions were received.

The submissions received were from historic heritage interest groups and individuals, such as Heritage NZ, owners of the property proposed to be listed as part of this plan change and members of the community.

## 4 Statutory Requirements

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### 4.1 Resource Management Act

Before a Plan Change can be incorporated into a District Plan it must satisfy a number of statutory requirements set out in the Resource Management Act (the Act), including:

- Part II, comprising Section 5, Purpose and Principles of the Act; Section 6, Matters of National Importance; Section 7, Other Matters; and Section 8, Treaty of Waitangi;
- Section 31, Functions of Territorial Authorities;
- Section 32, Duty to consider alternatives, assess benefits and costs;
- Section 74, Matters to be considered by territorial authorities;
- Section 75, Contents of district plans; and
- Section 76, District rules.

The full text of these provisions of the Act are set out in Appendix 1 to this report. I have summarised the key matters in these sections below.

Part II of the Act underpins the exercise of all functions, duties and powers, with its primary purpose under Section 5 being to provide the sustainable management of natural and physical resources. As such, Section 5 is fundamental to any assessment, with the approach being to weigh the matters in Section 5(2) to determine whether a policy or rule would promote the sustainable management of natural and physical resources.

The Council has additional responsibilities under Section 6 of the Act regarding matters of national importance; of particular relevance to this plan change is Section 6(f), *'the protection of historic heritage from inappropriate subdivision, use, and development'*. Section 7 of the Act requires Council to have particular regard to (amongst other matters) *'any finite characteristics of natural and physical resources'*, while Section 8 requires those exercising functions and powers under the Act in relation to managing the use, development, and protection of natural and physical resources to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 31 outlines the functions of the Council under the Act, including– *'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 the *'extent to which each objective is the most appropriate way to achieve the purpose of the Act (i.e. sustainable management); and whether the policies, rules and other methods are the most appropriate for achieving the objective(s)'*. In doing so, the evaluation is required to *"have regard to"* efficiency and effectiveness and under Section 32(4) and *"must take into account"* the benefits and costs of policies, rules or other methods and the risk of acting or not acting if there is uncertainty or insufficient information about the subject matter of the policies, rules or other methods.

Section 74 allows the Council to change its plan in accordance with its functions under Section 31, the provisions of Part II, its duty under Section 32 and any regulations.

Section 75 outlines the matters that need to be specified in a District Plan, including objectives, policies and rules, while Section 76 enables the Council to include rules in the plan for the purpose of carrying out its functions 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...*”

#### **4.2 New Zealand Coastal Policy Statement**

Under Section 75(3)(b) of the Resource Management Act, a District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS). Although the NZCPS includes policies to recognise and protect historic heritage items in the coastal environment it is not specifically relevant to this Proposed Plan Change as none of the buildings or structures to be included in Schedule 2 are located within this area.

#### **4.3 Other National Policy Statements/National Environmental Standards**

There are no National Policy Statements or National Environmental Standards of specific relevance to this Proposed Plan Change.

#### **4.4 Horizons Regional Council One Plan**

Under Section 75(3)(c) of the Act a District Plan is required to give effect to any Regional Policy Statement; in this instance the Horizons Regional Council ‘One Plan’. The relevant provisions of the One Plan are included in Appendix 3, but of particular relevance to this Plan Change is Policy 6-12a which states that “*Territorial Authorities must develop and maintain a schedule of known historic heritage for their district to be included in their district plan*”. To this end, Plan Change 1 looks to include additional historically significant buildings, structures and sites to Schedule 2 of the District Plan.

#### **4.5 Horowhenua District Plan**

A full review of the former District Plan (1999) was undertaken between 2012 and 2013, with the Council making its second generation District Plan operative on 1 July 2015. As part of this review, ‘Section 7 – Issues, Objectives: Heritage’, of the previous District Plan was replaced by ‘Chapter 13 – Objectives/Policies: Historic Heritage’ of the now operative District Plan.

The review also resulted in amendments being made to the rules relating to management of historic heritage buildings, structures and sites listed in Schedule 2 - Heritage. The rules apply across the various zone chapters and were updated to facilitate more effective management of historic heritage in the district; they reflect current best practice and aid interpretation.

The revised rules allow for the repair, redecoration and maintenance of heritage buildings and structures listed in Schedule 2 as a Permitted Activity, while the alteration of, addition to, or demolition of listed heritage buildings or structures requires resource consent. The rules also place restrictions on earthworks, subdivision and the erection of signage on listed heritage sites or within the heritage setting of a listed building or structure. Specific historic heritage related definitions for such terms as ‘repair, redecorate and maintenance’ were also inserted in Chapter 26 of the Plan.

As well as introducing changes to the objectives, policies and rules in the Plan, Schedule 2 was also updated to fully reflect the current range of buildings, structures and sites within the district included on the Register of Historic Places, Historic Areas, Wahi Tapu, and Wahi Tapu Areas (now the New Zealand Heritage List/Rārangi Kōrero) administered by Heritage NZ.

In line with proposed Policy 13.1.1 (which is now operative) the schedule was also reformatted to reflect the division of the listed buildings and structures into two distinct groups based on their relative significance as follows:

- Group 1 - Buildings and structures that have outstanding national and/or regional significance due to their "rarity" and/or level of "integrity".
- Group 2 - Buildings and structures have regional and/or local significance.

By contrast, historic heritage sites are separately listed and are not assigned to a distinct group based on their national, regional and/or local significance

## 5 Analysis of Submissions

### 5.1 Amendment 1

Amendment 1 seeks to amend the Methods for Issue 13.1 & Objective 13.1.1. This involves deleting and adding new bullet points to clarify the work that still needs to be done to identify additional historic heritage buildings, structures and sites, as well as sites of significance to Maori, wāhi tapu, wāhi tūpuna and archaeological sites, for listing in Schedule 2 - Heritage.

#### 5.1.1 Submissions Received – Amendment 1

Submission Number	Submitter Name	Provision/ Issue	Support/ Oppose	Submission Summary	Decision Sought
01/02	Heritage New Zealand	Methods for Issue 13.1 & Objective 13.1.1	Support	Supports the commitment Council is showing to the identification and protection of historic heritage, especially sites of significance to Māori.	Retain these provisions as proposed.
01/04	Horizons Regional Council	Methods for Issue 13.1 & Objective 13.1.1	Support	Supports the amendments to these provisions as they give effect to Policy 6-12(a) of the Horizons One Plan which states that 'territorial authorities must develop and maintain a schedule of known historic heritage for their district to be included in their district plan'.	Retain these provisions as proposed.
01/07	K & S Prouse	Methods for Issue 13.1 & Objective 13.1.1	Support	Supports the amendments. However, notes that it is flawed to assume the list in Schedule 2 is complete and requests the inclusion of an additional bullet point outlining how Council will address future nominations/	Add a further bullet point which outlines the process Council will use to timely consider future Schedule 2 nominations/requests.

				requests in a timely manner in order to fulfil its responsibilities under the Resource Management Act to preserve heritage.	
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### 5.1.2 Summary of Submissions

Heritage New Zealand (01/02) supports the commitment that the Council is showing to the identification and protection of historic heritage in the district. Horizons Regional Council (01/04) also supports the proposed amendments as they give effect to the Horizons Regional Council One Plan.

Although K & S Prouse (01/07) support the amendments, they note that it is flawed to assume the list in Schedule 2 is complete and request the inclusion of an additional bullet point outlining how Council will address future nominations/requests in a timely manner.

No further submissions received.

### 5.1.3 Discussion and Evaluation

Heritage New Zealand's and Horizons Regional Council's support for the provisions to be retained as notified is noted.

K & S Prouse's request to include an additional bullet point to outline how Council will address future nominations/requests is supported. Currently the proposed provisions do not set out the method that Council will use to address future nominations of buildings, structures or sites for inclusion in Schedule 2 (i.e. whether this would occur on an ad hoc basis or result from a further review process).

### 5.1.4 Reporting Officer's Recommendation

Accept submissions: Heritage New Zealand (01/02), Horizons Regional Council (01/04) and K & S Prouse (01/07)

### 5.1.5 Recommended Amendments to Plan Change: Amendment 1

Add a bullet point to the Methods for Issue 13.1 & Objective 13.1.1:

- Council will review and maintain Schedule 2 of the District Plan on a regular basis, making appropriate changes to the Schedule by way of future plan changes based on the advice received from a suitably qualified heritage professional.

## 5.2 Amendment 2

Amendment 2 seeks to amend the Explanation and Principal Reasons associated with Issue 31.2, Objective 13.2.1 and Policies 13.2.2 to 13.2.8.

### 5.2.1 Submissions Received – Amendment 2

Submission Number	Submitter Name	Provision/ Issue	Support/ Oppose	Submission Summary	Decision Sought
01/02	Heritage New Zealand	Issue 13.2	Support	Supports the inclusion of additional text as it provides greater specificity.	Retain this provision as proposed.
01/05	K & S Prouse	Issue 13.2, Objective 13.2.1 and Policies 13.2.2 to 13.2.8	Support	Supports the additional wording proposed as historic places and settings should be protected as they are 'a finite resource and once lost cannot be replaced'.	Retain these provisions as proposed.

### 5.2.2 Summary of Submissions

Heritage New Zealand (01/02) and K & S Prouse (01/05) support the amendments as they provide greater specificity and include reference to the protection of historic places and their associated settings.

No further submissions received.

### 5.2.3 Discussion and Evaluation

Support for the proposed amendments is noted.

### 5.2.4 Reporting Officer's Recommendation

Accept submissions: Heritage New Zealand (01/02) and K & S Prouse (01/05).

### 5.2.5 Recommended Amendments to Plan Change: Amendment 2

No further amendments are recommended.

### 5.3 Amendments 3 to 7

Amendment 3 seeks to add a further 11 heritage buildings, structures and sites to Schedule 2 - Heritage of the District Plan.

Amendments 4, 5, 6 & 7 seek to amend the planning maps to show the location of the heritage buildings, structures and sites proposed for inclusion in Schedule 2.

#### 5.3.1 Submissions Received – Amendment 3

Submission Number	Submitter Name	Provision/ Issue	Support/ Oppose	Submission Summary	Decision Sought
01/01	J Harper	Schedule 2: Historic Heritage – Buildings, Structures and Sites	In-part	Supports the addition of his buildings (Foxton Racing Club and Former Manawatu Herald buildings) to the Schedule.  Seeks amendment to Note 2 to include the front part of the Manawatu Herald building. Also notes that as the construction date of both the original building and later addition are known, inclusion of the reference to the term 'circa' should be removed.	Requests the inclusion of a more specific description of the protected sections of the Manawatu Herald building to ensure effective heritage protection.
01/04	Horizons Regional Council	Schedule 2: Historic Heritage – Buildings, Structures and Sites	Support	Supports the proposal to update Schedule 2.	Retain this provision as proposed.
01/02	Heritage New Zealand	Schedule 2: Historic Heritage – Buildings, Structures and Sites	Support	Supports the process used to identify heritage features for inclusion in the District Plan. Also supports the inclusion of the proposed heritage buildings, structures and sites.	Retain these provisions as proposed.

### 5.3.2 Submissions Received – Amendments 4, 5, 6 & 7

Submission Number	Submitter Name	Provision/ Issue	Support/ Oppose	Submission Summary	Decision Sought
01/02	Heritage New Zealand	Amendments 4, 5, 6 & 7 – Planning Maps	Support	Supports the process used to identify heritage features for inclusion in the District Plan. Also supports the inclusion of the proposed heritage buildings, structures and sites.	Retain these provisions as proposed.

### 5.3.3 Summary of Submissions

J Harper (01/01) supports Amendment 3, but requests an amendment to the text to include the front part of the Manawatu Herald Building and removal of the term ‘circa’ from Note 2.

Horizons Regional Council (01/04) supports Amendment 3.

Heritage New Zealand (01/02) supports Amendments 3 to 7.

### 5.3.4 Discussion and Evaluation

J Harper’s support for the inclusion of his buildings to the list is noted. The reporting officer supports the submitter request to include the front part of the former Manawatu Herald building. The front part of the building was built to replicate the façade in the 1890s using the ‘shadow’ of façade that had been retained. If the front part of the building is to be included in the listing then there is no need for a note to specify what part of the building is protected. The removal of Note 2 also addresses the second part of the submitter’s request, to remove the reference to ‘circa’.

Horizons Regional Council’s and Heritage New Zealand’s support for the provisions to be retained as notified is noted.

### 5.3.5 Reporting Officer’s Recommendation

Accept submissions: J Harper (01/01), Horizons Regional Council (01/04) and Heritage New Zealand (01/02).

### 5.3.6 Recommended Amendments to Plan Change: Amendments 3 to 7

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

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
7, 27, 27B, 28, 28B	H59	Levin Cenotaph	4-12 Kent Street, Levin	War Memorial	Section 2 Block XVIII Town of Levin	
7, 27	H60	Weraroa Peace Gate and the Pioneer Memorial	North-west Corner of Mako Mako Road and Oxford Street, Levin	War Memorials	Part Section 32 Levin Suburban	
3, 16	H61	Tokomaru Memorial Gates	5 Tokomaru East Road, Tokomaru	War Memorial	Section 166 Town of Tokomaru	
5	H62	Moutoa Memorial Gates	Foxton-Shannon Road, Moutoa (south of Moutoa Hall)	War Memorial	Section 21 Block VII Mt Robinson SD	
1, 14, 15, 15A	H63	Foxton War Memorial	Corner of Ravensworth place and Main Street, Foxton	War Memorial	Main Street, Foxton (Road Reserve)	
1, 14, 15, 15A	H64	Former Manawatu Herald Building <i>(partial refer to note 2)</i>	6 Main Street, Foxton	Commercial Building	Part Section 100 Town of Foxton	
1, 14, 15, 15A	H65	Foxton Racing Club Building <i>(Façade only)</i>	8 Main Street, Foxton	Dwelling	Part Section 100 Town of Foxton	
1, 14, 15, 15A	H66	De Molen	24 Harbour Street, Foxton	Wind Mill	Part Section 598 Town of Foxton	

Note 1: This listing only applies to the original sections of the Presbyterian Church building constructed in 1867.

Note 2: This listing only applies to the original Manawatu Herald building constructed circa 1879.

## 5.4 Miscellaneous and General Submissions

Two submissions have raised miscellaneous or general matters.

### 5.4.1 Submissions Received

Submission Number	Submitter Name	Provision/ Issue	Support/ Oppose	Submission Summary	Decision Sought
01/06	K & S Prouse	Section 32 Report – Option 1	Support	Supports the adoption of Option 1 as outlined in the Section 32 Report. However, notes that property owner concerns over the extent and implications of regulatory measures may be why some heritage properties are not listed, and that the Council needs to consider the extent of the regulatory measures imposed and the manner they go about it.	Explore the use of non-regulatory measures and other voluntary mechanisms to incentivise the enhancement of heritage and work with property owners to achieve this.
01/03	Potangotango Foundation	Whole plan change	Not specified	Notes that the plan change does not include sites of significant to tangata whenua such as Lake Horowhenua, particularly when these sites are of far more historical significance than post contact heritage. Also notes that the Council is legally required to take into account the principles of the Treaty of Waitangi, and that the Resource Management Act describes the	Immediately commence a process to introduce plan changes that will protect sites of significance to tangata whenua in the District.

				relationship of Māori to their wāhi tapu and other taonga as a matter of national importance.	
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#### 5.4.2 Summary of Submissions

K & S Prouse (01/06) requests that non-regulatory or voluntary mechanisms to incentivise the enhancement of heritage be explored, and that Council works with property owners to achieve this.

Potangotango Foundation (01/03) requests that Council commence preparation of a plan change to protect sites of significance to tangata whenua in the district.

No further submissions received.

#### 5.4.3 Discussion and Evaluation

##### *Heritage Incentives*

The Council currently offers incentives to owners of listed buildings, structures and sites to encourage their ongoing conservation. These include a waiver or reimbursement of processing fees for any resource consents required as a result of the property's listing in the District Plan, along with a dedicated Heritage Fund. The Heritage Fund is for projects that conserve or restore the heritage value or character of a property that is recognised under the Horowhenua District Plan for its historical significance. This incentives package was introduced by the Council in early 2018 and all relevant property owners were duly notified.

##### *Sites of Significance to Tangata Whenua*

The proposed amendments include further provision under Methods for Issue 13.1 & Objective 13.1.1 to commence a process to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites in the district. This, in turn, provides a clear signal of Council's intent to undertake this further work, subject to available funding and resources.

#### 5.4.4 Reporting Officer's Recommendation

Reject submissions: K & S Prouse (01/06) & Potangotango Foundation (01/03)

#### 5.4.5 Recommended Amendments to Plan Change: Amendment 2

No changes are recommended in response to the Miscellaneous and General Submissions received.

## 6 Conclusion

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Proposed Plan Change 1 seeks to update Schedule 2 - Heritage to include additional non-residential buildings, structures and sites, to make consequential amendments to associated planning maps and to introduce some minor text amendments. The additional listings arose as a result of nomination by the community in 2015/16 and subsequent assessment and recommendation by suitably qualified heritage professionals. Those nominations that met the criteria and where the landowner agreed to the listing have been included in this plan change.

The majority of the submissions received on this plan change are in support of the proposed amendments. However, a few changes were requested to refine the proposed amendments. These included a request to further clarify how, and in what timeframe, future nominations/requests for inclusion on Schedule 2 would be addressed, as well as one seeking an amendment to the description of the former Manawatu Herald building.

The officer's recommendations on the key changes requested are:

- Add a bullet point to the Methods for Issue 13.1 & Objective 13.1.1 to outline how Council will address future nominations or requests for inclusion of heritage buildings, structures and sites in Schedule 2 - Heritage.
- Delete Note 2 and the accompanying reference in Schedule 2: Historic Heritage in order to include the front part of the former Manawatu Herald building in its listing.

Overall, it is recommended that the Council proceed with Plan Change 1, subject to the amendments put forward in this report.

## 7 Appendices

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### 7.1 Appendix 1: RMA Extracts

#### **Section 5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being 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.*

#### **Section 6 Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

#### **Section 7 Other matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship:*

- (b) *the efficient use and development of natural and physical resources:*
  - (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

### **Section 8 Treaty of Waitangi**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

### **Section 31 Functions of territorial authorities under this Act**

- (3) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
  - (a) *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:*
    - (aa) *the establishment, implementation, and review of objectives, policies, and methods to ensure that there is sufficient development capacity in respect of housing and business land to meet the expected demands of the district:*
  - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
    - (i) *the avoidance or mitigation of natural hazards; and*
    - (ii) *[Repealed]*
      - (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
    - (iii) *the maintenance of indigenous biological diversity:*
  - (c) *[Repealed]*
  - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
  - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
  - (f) *any other functions specified in this Act.*
- (4) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

### **Section 32 Requirements for preparing and publishing evaluation reports**

- (1) *An evaluation report required under this Act must—*
  - (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*

- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—
    - (i) identifying other reasonably practicable options for achieving the objectives; and
    - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and
    - (iii) summarising the reasons for deciding on the provisions; and
  - (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.
- (2) An assessment under subsection (1)(b)(ii) must—
- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—
    - (i) economic growth that are anticipated to be provided or reduced; and
    - (ii) employment that are anticipated to be provided or reduced; and
  - (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and
  - (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an amending proposal) will amend a standard, statement, national planning standard, regulation, plan, or change that is already proposed or that already exists (an existing proposal), the examination under subsection (1)(b) must relate to—
- (a) the provisions and objectives of the amending proposal; and
  - (b) the objectives of the existing proposal to the extent that those objectives—
    - (i) are relevant to the objectives of the amending proposal; and
    - (ii) would remain if the amending proposal were to take effect.
- (4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.
- (4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—
- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and
  - (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.
- (5) The person who must have particular regard to the evaluation report must make the report available for public inspection—
- (a) as soon as practicable after the proposal is made (in the case of a standard or regulation); or
  - (b) at the same time as the proposal is notified.
- (6) In this section,—
- objectives means,—
- (a) for a proposal that contains or states objectives, those objectives;
  - (b) for all other proposals, the purpose of the proposal

*proposal means a proposed standard, statement, national planning standard, regulation, plan, or change for which an evaluation report must be prepared under this Act*

*provisions means,—*

- (a) for a proposed plan or change, the policies, rules, or other methods that implement, or give effect to, the objectives of the proposed plan or change:*
- (b) for all other proposals, the policies or provisions of the proposal that implement, or give effect to, the objectives of the proposal.*

#### **Section 74 Matters to be considered by territorial authority**

- (1) A territorial authority must prepare and change its district plan in accordance with—*
  - (a) its functions under section 31; and*
  - (b) the provisions of Part 2; and*
  - (c) a direction given under section 25A(2); and*
  - (d) its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
  - (e) its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
    - (ea) a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
  - (f) any regulations.*
- (2) In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
  - (a) any—*
    - (i) proposed regional policy statement; or*
    - (ii) proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
  - (b) any—*
    - (i) management plans and strategies prepared under other Acts; and*
    - (ii) [Repealed]*
      - (iia) relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
    - (iii) regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*

*to the extent that their content has a bearing on resource management issues of the district; and*
  - (c) the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (2A) A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district.*
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

## **Section 75 Contents of district plans**

- (1) A district plan must state—
  - (a) the objectives for the district; and
  - (b) the policies to implement the objectives; and
  - (c) the rules (if any) to implement the policies.
- (2) A district plan may state—
  - (a) the significant resource management issues for the district; and
  - (b) the methods, other than rules, for implementing the policies for the district; and
  - (c) the principal reasons for adopting the policies and methods; and
  - (d) the environmental results expected from the policies and methods; and
  - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
  - (f) the processes for dealing with issues that cross territorial authority boundaries; and
  - (g) the information to be included with an application for a resource consent; and
  - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.
- (3) A district plan must give effect to—
  - (a) any national policy statement; and
  - (b) any New Zealand coastal policy statement; and
  - (ba) a national planning standard; and
  - (c) any regional policy statement.
- (4) A district plan must not be inconsistent with—
  - (a) a water conservation order; or
  - (b) a regional plan for any matter specified in section 30(1).
- (5) A district plan may incorporate material by reference under Part 3 of Schedule 1.

## **Section 76 District rules**

- (1) A territorial authority may, for the purpose of—
  - (a) carrying out its functions under this Act; and
  - (b) achieving the objectives and policies of the plan,—include rules in a district plan.
- (2) Every such rule shall have the force and effect of a regulation in force under this Act but, to the extent that any such rule is inconsistent with any such regulation, the regulation shall prevail.
  - (2A) Rules may be made under this section, for the protection of other property (as defined in section 7 of the Building Act 2004) from the effects of surface water, which require persons undertaking building work to achieve performance criteria additional to, or more restrictive than, those specified in the building code as defined in section 7 of the Building Act 2004.
- (3) In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.
  - (3A)[Repealed]
  - (3B)[Repealed]
- (4) A rule may—
  - (a) apply throughout a district or a part of a district:

- (b) make different provision for—
    - (i) different parts of the district; or
    - (ii) different classes of effects arising from an activity:
  - (c) apply all the time or for stated periods or seasons:
  - (d) be specific or general in its application:
  - (e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.
- (4A) A rule may prohibit or restrict the felling, trimming, damaging, or removal of a tree or trees on a single urban environment allotment only if, in a schedule to the plan,—
- (a) the tree or trees are described; and
  - (b) the allotment is specifically identified by street address or legal description of the land, or both.
- (4B) A rule may prohibit or restrict the felling, trimming, damaging, or removal of trees on 2 or more urban environment allotments only if—
- (a) the allotments are adjacent to each other; and
  - (b) the trees on the allotments together form a group of trees; and
  - (c) in a schedule to the plan,—
    - (i) the group of trees is described; and
    - (ii) the allotments are specifically identified by street address or legal description of the land, or both.
- (4C) In subsections (4A) and (4B),—
- group of trees** means a cluster, grove, or line of trees
- urban environment allotment** or **allotment** means an allotment within the meaning of section 218—
- (a) that is no greater than 4 000 m<sup>2</sup>; and
  - (b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
  - (c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
  - (d) that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.
- (4D) To avoid doubt, subsections (4A) and (4B) apply—
- (a) regardless of whether the tree, trees, or group of trees is, or the allotment or allotments are, also identified on a map in the plan; and
  - (b) regardless of whether the allotment or allotments are also clad with bush or other vegetation.
- (5) A rule may exempt from its coverage an area or class of contaminated land if the rule—
- (a) provides how the significant adverse effects on the environment that the hazardous substance has are to be remedied or mitigated; or
  - (b) provides how the significant adverse effects on the environment that the hazardous substance is reasonably likely to have are to be avoided; or
  - (c) treats the land as not contaminated for purposes stated in the rule.

## 7.2 Appendix 2: Horizons Regional Council One Plan

### Operative One Plan

#### **Issue 6-3: Historic heritage**

*Development and land use can damage and destroy historic heritage of significance in the Region. In the context of the Regional Council's role, this includes activities in the coastal marine area and discharges to land and water. Outside of the coastal marine area, Territorial Authorities are responsible for managing the effects of land use activities on historic heritage, including under s9(2) RMA for activities in the beds of rivers and lakes.*

#### **Objective 6-3: Historic heritage**

*Protect historic heritage from activities that would significantly reduce heritage qualities.*

#### **Policy 6-7: Assessing outstanding natural features and landscapes**

*Natural Feature and Landscape Assessment Factors*

*(g) Historic heritage values*

#### **Policy 6-11: Historic heritage**

*The Regional Coastal Plan and district plans must, without limiting the responsibilities of local authorities to address historic heritage under the RMA, include provisions to protect from inappropriate subdivision, use and development historic heritage of national significance, which may include places of special or outstanding heritage value registered as Category 1 historic places, wāhi tapu, and wāhi tapu areas under the Historic Places Act 1993 and give due consideration to the implementation of a management framework for other places of historic heritage.*

#### **Policy 6-12: Historic heritage identification**

- (a) Territorial Authorities must develop and maintain a schedule of known historic heritage for their district to be included in their district plan.*
- (b) The Regional Council must develop and maintain a schedule of known historic heritage for the coastal marine area to be included in the Regional Coastal Plan.*
- (c) Historic heritage schedules must include a statement of the qualities that contribute to each site.*

#### **Method 6-7 District Planning – Natural Features, Landscapes, Historic Heritage and Indigenous Biological Diversity**

*The Regional Council will formally seek changes to district plans if necessary to ensure provisions are in place to provide an appropriate level of protection to natural features, landscapes, historic heritage and indigenous biological diversity.*

## 7.3 Appendix 3: Plan Change 1 within the District Plan as per officer's recommendations

### 7.3.1 Amendment 1

Methods for Issue 13.1 & Objective 13.1.1

District Plan

- Have the remaining buildings, structures and sites, which were nominated by the public for their historical values, assessed by suitably qualified professionals to establish whether they should be included in Schedule 2 of the District Plan in the future.
- Commence a process, in line with the Horowhenua Heritage Strategy 2012, to identify sites of significance to Māori, wāhi tapu, wāhi tūpuna and archaeological sites.
- Council will review and maintain Schedule 2 of the District Plan on a regular basis, making appropriate changes to the Schedule by way of future plan changes based on the advice received from a suitably qualified heritage professional.

### 7.3.2 Amendment 2

Issue 13.2 Protection of Historic Heritage - Explanation and Principal Reasons

The objective and policies seek to prevent the loss of heritage value associated with buildings, structures and sites included in the Historic Heritage Schedule due to neglect or under-use, or from changes arising from such activities as external alterations, additions, earthworks and subdivision.

For historic heritage buildings, structures and sites to be successfully and sustainably managed they need to remain functional. In response, the District Plan encourages their continued compatible use and enables regular maintenance, repair, redecoration and internal alterations to occur without the need for a resource consent. The District Plan also recognises that in order to provide for the ongoing safe, functional and economic use of historic heritage buildings it is necessary for them to be upgraded to meet relevant code standards, including earthquake strengthening.

Historic heritage buildings, structures and sites are also subject to activities which can lead to their associated heritage values being destroyed or severely diminished. Insensitive alterations and additions, for instance, can detract from the architectural qualities of a scheduled building, while demolition in response to development pressure results in permanent loss.

To address this situation the District Plan seeks to ensure that such effects are avoided or appropriately mitigated by requiring resource consent to be sought. In the case of demolition of Group 1 buildings and structures or the destruction of sites, the intent is that these activities are avoided unless exceptional circumstances exist. Exceptional circumstances could include total or partial demolition considered necessary due to significant and irreversible damage from fire or natural hazard events.

The context or setting associated with historic heritage buildings, structures and sites can also make an important contribution to its heritage value. The relationship between a building and its site, for instance, can be lost or eroded through the reduction of its original surrounds. In response, the District Plan seeks to ensure that the setting of a historic building, structure or site is not unduly compromised or its value diminished by inappropriate earthworks or on-site development, or incompatible subdivision activity and associated development.

### 7.3.3 Amendment 3

Schedule 2: Historic Heritage – Buildings, Structures & Sites

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

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
1, 14, 15, 15A	H57	Dolphin	Manawatu River (Foxton Loop) – to west of Lot 3 DP 457778	Former Foxton Wharf Structure	Manawatu River	
1, 14, 15, 15A	H58	Former Presbyterian Church <i>(partial refer to note 1)</i>	5 Main Street, Foxton	Community Building (Foxton Little Theatre)	Lot 1 DP 33751	

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

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
7, 27, 27B, 28, 28B	H59	Levin Cenotaph	4-12 Kent Street, Levin	War Memorial	Section 2 Block XVIII Town of Levin	
7, 27	H60	Weraroa Peace Gate and the Pioneer Memorial	North-west Corner of Mako Mako Road and Oxford Street, Levin	War Memorials	Part Section 32 Levin Suburban	
3, 16	H61	Tokomaru Memorial Gates	5 Tokomaru East Road, Tokomaru	War Memorial	Section 166 Town of Tokomaru	

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
5	H62	Moutoa Memorial Gates	Foxton-Shannon Road, Moutoa (south of Moutoa Hall)	War Memorial	Section 21 Block VII Mt Robinson SD	
1, 14, 15, 15A	H63	Foxton War Memorial	Corner of Ravensworth place and Main Street, Foxton	War Memorial	Main Street, Foxton (Road Reserve)	
1, 14, 15, 15A	H64	Former Manawatu Herald Building <i>(partial refer to note 2)</i>	6 Main Street, Foxton	Commercial Building	Part Section 100 Town of Foxton	
1, 14, 15, 15A	H65	Foxton Racing Club Building <i>(Façade only)</i>	8 Main Street, Foxton	Dwelling	Part Section 100 Town of Foxton	
1, 14, 15, 15A	H66	De Molen	24 Harbour Street, Foxton	Wind Mill	Part Section 598 Town of Foxton	

Note 1: This listing only applies to the original sections of the Presbyterian Church building constructed in 1867.

~~Note 2: This listing only applies to the original Manawatu Herald building constructed circa 1879.~~

#### Historic Heritage Sites (sites and areas that are of national, regional and/or local significance)

Map	Ref	Site Name	Location	Description	Legal Description	Heritage New Zealand Category
5	H67	Whitaunui Military Defaulter's Camp	1027 Foxton-Shannon Road, Moutoa	Former Detention Camp for World War Two Objectors	Section 116 Moutoa District	

## **Submitter Index**

The page numbers for where the submitter number has been referred to within the report are indexed below by the Surname or Organisation name of the submitter.

### **H**

**Harper (01/01)** Pages 12, 13

**Heritage New Zealand (01/02)** Pages 9, 10, 11, 12, 13

**Horizons Regional Council (01/04)** Pages 9, 10, 12, 13

### **P**

**Potangotango Foundation (01/03)** Pages 15, 16

**Prouse (01/05)(01/06)(01/07)** Pages 9, 10, 11, 15, 16