

CHRISTCHURCH DISTRICT PLAN

PLAN CHANGE 14

HOUSING AND BUSINESS CHOICE

PLANNING OFFICER'S REPORT OF GLENDA DIXON UNDER SECTION 42A OF THE RESOURCE MANAGEMENT ACT 1991

Qualifying Matters

Residential Heritage Areas

11 AUGUST 2023

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LIST OF ABBREVIATIONS

RHA	Residential Heritage Area
MDRS	Medium Density Residential Standards
NPS-UD	National Policy Statement on Urban Development 2022
MRZ	Medium Density Residential Zone
HRZ	High Density Residential Zone
RD	Restricted Discretionary

1 EXECUTIVE SUMMARY

- 1.1.1 I have been asked by the Council to prepare this report pursuant to section 42A of the Resource Management Act 1991 (**the Act/RMA**). This report considers the issues raised by submissions to Council initiated Plan Change 14 – Housing and Business Choice (**the plan change / PC14**) to the Christchurch District Plan (**the Plan**) including those submissions made on both PC14 and Plan Change 13 – Heritage (**PC13**) where these are within the scope of PC14, and makes recommendations in response to the issues that have emerged from these submissions, as they apply to:
- a. Residential Heritage Areas (**RHAs**) – planning context; and
 - b. The proposed policies and rules for Residential Heritage Areas, and the Residential Heritage Area Interface Overlay.
- 1.1.2 The evidence of Dr Ann McEwan, heritage consultant, complements mine, and covers the identification and assessment of Residential Heritage Areas, including the boundaries of individual RHAs, the inclusion of particular properties within them and the potential for extensions to RHAs or additional RHAs.
- 1.1.3 This report forms part of the Council’s ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the issues raised in submissions on PC14. In addition to this report, the Section 32 Reports for both PC14 on heritage as a qualifying matter and PC13 – heritage should be considered. The discussion and recommendations included in this report are intended to assist the Panel and submitters on PC14.
- 1.1.4 Plan Change 13 and Plan Change 14 were notified together, the former under the standard RMA process, and the latter as an IPI under the Intensification Streamlined Planning Process. The protection of historic heritage from inappropriate subdivision, use and development stands on its own as a matter of national importance which is to be provided for under section 6(f) of the RMA; and is also a Qualifying Matter under s771(a) and s(77)O(a) which might enable there to be lesser provision for intensification on particular sites and areas. Because of this, proposed heritage provisions which had originated in PC13 were largely duplicated in PC14, and there was then some confusion for submitters on heritage as to which Plan Change they should be submitting on.
- 1.1.5 All heritage related submissions have now been grouped under PC14, except for those which are clearly out of scope of PC14, for example because they concern items of heritage located outside of the Christchurch urban area. In the event, a total of 76 submissions were made both under PC13

and under PC14 in respect of RHAs, and these are the submissions reported on here¹. 26 of the submissions covered two or more of the topics I have set out in this report, making a total of 102 submission listings in the tables. Broken down into submissions on the identification and assessment of RHAs, covered by Dr McEwan, and submissions on the planning provisions for RHAs, which I cover, submission numbers are as follows:

	Identification and assessment of RHAs	Planning provisions for RHAs
Submissions supporting	2	17
Submissions seeking amendments	27	21
Submissions both seeking amendments and opposing	3	N/A
Submissions opposing	10	22
Total Number of submissions	42	60

1.1.6 These numbers exclude submission points by the Council on the RHAs, which are reported on elsewhere.

1.1.7 The main issues raised by the submitters relevant to this s42A report are:

- a. Issue 1 - Oppose RHAs or oppose the number of RHAs
- b. Issue 2 – Support RHAs/seek more RHAs (specific requests are covered by Dr McEwan)
- c. Issue 3 – Seek amendments to RHA rules so they are less restrictive
- d. Issue 4 – Clarify how RHA rules will work/make minor amendments so they work better.
- e. Issue 5 – Oppose or support RHA Interface Overlays (“buffer areas”) around RHAs
- f. Issue 6 - Question/oppose zoning in and around RHAs
- g. Issue 7 – Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation.

1.1.8 This report addresses each of these key issues, as well as any other relevant issues raised in the submissions relating to RHAs, other than site specific matters covered by Dr McEwan.

¹ Submissions originally made on PC13 can be identified by their numbering from 1000 onwards.

- 1.1.9 Having considered the notified PC14 material, the submissions and further submissions received, and the findings of the Council's expert advisors, I have evaluated the PC14 provisions relating to the RHAs and the proposed policy and rules for RHAs and provided recommendations and conclusions in this report. I also provide recommendations and conclusions on Dr McEwan's technical evidence on site specific matters. The PC14 provisions with my recommended amendments to Chapter 9.3 in respect of RHAs are included in Appendix B. There is one additional amendment I have recommended to Chapter 14.5 (in respect of road setbacks) which is included in the Appendices to Mr Ike Kleynbos' section 42A report. These recommendations take into account all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
- 1.1.10 In accordance with the further evaluation undertaken under section 32AA of the RMA that has been included throughout this report, I consider that the provisions with recommended amendments are the most appropriate way to achieve the objectives of PC14 and the purpose of the RMA.

2 INTRODUCTION

2.1 REPORTING OFFICER

- 2.1.1 My full name is Glenda Margaret Dixon. I am a Senior Policy Planner in the City Planning Team, in the Infrastructure, Planning and Regulatory Services Group of the Christchurch City Council (the Council). I have been in this position since 2007.
- 2.1.2 I hold an MA (Hons) Degree from Massey University, a Diploma in Town Planning from the University of Auckland, and a Certificate of Proficiency in Advanced Resource Management Law from Lincoln University. I am a full member of the New Zealand Planning Institute.
- 2.1.3 I have 27 years of experience in planning and resource management, 25 of these in New Zealand and 2 in England. I have worked as a policy planner for the Christchurch City Council and several other Councils, on a wide variety of projects including all stages of District Plan and plan change drafting, hearings and appeals. I have been working with the heritage provisions of the Christchurch District Plan since corrections to the previous IHP's decisions on the District Plan review in 2017 and have worked closely with the Council's heritage team on the drafting, pre-notification consultation and notification stages of Plan Change 13 - Heritage. This process began in late 2020.
- 2.1.4 I was the principal author of the Section 32 report for Plan Change 13, with Suzanne Richmond, planner in the heritage team being a contributing author. I also worked closely with Mrs Richmond to develop the amendments now proposed to the provisions of Chapter 9.3 Historic Heritage of

the Plan. During this process and during the assessment and mapping of the proposed RHAs I liaised extensively with Dr McEwan, and also with Amanda Ohs, Senior Heritage Advisor. I was not, however, the author of the section 32 report for heritage as a Qualifying Matter for Plan Change 14, because I was off work due to injury at the time this was drafted. Nevertheless this document is compatible with the Section 32 report for PC13 and I agree with the statements made in it.

- 2.1.5 My role in preparing this report is that of an expert planner. I also provided input to aspects of Council’s submission on Plan Change 14, which was principally minor matters of clarification or consistency across related provisions, or changes proposed to remedy technical errors and omissions (including mapping) in the plan change that did not clearly match the outcomes promoted and evaluated by the section 32 reports. In this report, I will not be considering or commenting on relief sought in the Council submission.
- 2.1.6 Although this is a Council-level process, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I confirm I have considered all the material facts I am aware of that might alter or detract from the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person.
- 2.1.7 I confirm that, while I am employed by the Council, the Council has agreed to me providing this Section 42A report in accordance with the Code of Conduct.

2.2 THE PURPOSE AND SCOPE OF THIS REPORT

- 2.2.1 In response to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“the Housing Supply Amendment Act”), Tier 1 territorial authorities were required to notify changes or variations to their district plans to incorporate the Medium Density Residential Standards (**MDRS**) and give effect to Policy 3 of the National Policy Statement – Urban Development 2020 (**NPS-UD**). PC14 is an Intensification Planning Instrument (**IPI**) under section 80E of the Resource Management Act 1991 (**RMA**).
- 2.2.2 As a Tier 1 territorial authority the Council has established an Independent Hearings Panel (IHP) to hear submissions and make recommendations on PC14 using the Intensification Streamlined Planning Process (**ISPP**).
- 2.2.3 I have prepared this report in accordance with the ISPP and Section 42A of the RMA for the purpose of assisting the IHP in considering and making their recommendations on the issues raised by submissions and further submissions on Christchurch's Intensification Planning Instrument – PC14, (and those submissions on PC13 relating to provisions within the scope of PC14) by presenting the key themes and associated issues in relation to Residential Heritage Areas and associated planning provisions that require consideration by the IHP.

- 2.2.4 I also provide, at the beginning of section 6, some brief background on how RHAs were identified and provisions developed for the assistance of the IHP and submitters (Dr McEwan has also discussed the identification of RHAs from her perspective), then evaluate the relevant submissions and further submissions and make recommendations to the Panel on whether those submissions should be accepted, partly accepted or rejected, and whether and how the RHA provisions of PC14 should be amended.
- 2.2.5 This s42A report therefore addresses the contextual, procedural and statutory considerations and instruments that are relevant to Residential Heritage Areas which have been outlined in the section 42A 'Strategic Overview' report. This includes all statutory matters and instruments, background information and administrative matters pertaining to PC14 discussed in that report.
- 2.2.6 This report also addresses the following Section 32 reports insofar as they relate to Residential Heritage Areas and associated planning provisions, and Residential Heritage Areas as a Qualifying Matter:
- a. Plan Change 13 – Update of Historic Heritage Provisions – Section 32 Evaluation
 - b. Plan Change 14 - Section 32 and Section 77– Qualifying Matters -Part 2 – section 6.12 Residential Heritage Areas, p100 and section 6.13 Residential Heritage Interface, p104.
 - c. This s42A report: discusses the relevant Christchurch District Plan Objectives and Policies as they relate specifically to these topics;
 - d. provides an overview of the proposed PC14/PC13 provisions as they relate to Residential Heritage Areas and the RHA Interface Overlay.
 - e. provides an overview, analysis and evaluation of submissions and further submissions received on the Chapter 9.3 provisions on Residential Heritage Areas, and RHAs as a qualifying matter; and
 - f. provides conclusions and recommendations.
- 2.2.7 Where appropriate, this report groups submission points that address the same provision or subject matter. A summary of my recommendations as to acceptance, acceptance in part or rejection of the submissions and further submissions is included throughout this report with detail provided in Appendix D – Table of Submissions with Recommendations and Reasons.
- 2.2.8 Where I recommend substantive changes to the plan change provisions, I provide an assessment of those changes in terms of section 32AA of the RMA. As required by Section 32AA, a further evaluation of recommended changes (including reasonably practicable alternatives) to the amendments proposed in PC14/PC13 to the proposed RHA provisions has been undertaken and has been included throughout this report.

2.2.9 This report is intended to be read in conjunction with the following reports, documents, assessments, expert evidence and other material which I have used or relied upon in support of the opinions expressed in this report:

- a. The related section 42A report by Suzanne Richmond on heritage sites, and heritage sites and settings as a qualifying matter.
- b. the advice and recommendations of the following experts, as set out in their statements of evidence:
 - Dr Ann McEwan – Heritage consultant on the identification and assessment of RHAs, and the boundaries of individual RHAs.
 - Amanda Ohs – Senior heritage advisor on heritage, and specifically in relation to proposed new Heritage Items, and submissions regarding existing and proposed Heritage Items.
 - Philip Osborne – economic evidence on the costs and benefits of Residential Heritage Areas and sites.

2.2.10 The discussion and recommendations included in this report are intended to assist the IHP and submitters on PC14. Any conclusion and recommendations made in this report are my own and are not binding upon the IHP or the Council in any way. The IHP may choose to accept or reject any of the conclusions and recommendations in this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by persons during the hearing.

3 KEY ISSUES IN CONTENTION

3.1.1 A number of submissions and further submissions were received on the Plan provisions relating to Residential Heritage Areas, other than the identification and assessment of areas.

3.1.2 I consider the following to be the key issues in contention on this topic and have grouped the submissions and further submissions accordingly for evaluation:

- a. **Issue 1** – Opposition to RHAs as a concept or opposition to so many RHAs (those opposing particular RHAs are covered by Dr McEwan)
- b. **Issue 2** – Support for RHAs/seek more RHAs (specific requests are covered by Dr McEwan)
- c. **Issue 3** – Amendments sought to RHA rules so they are less restrictive
- d. **Issue 4** – Clarification sought of how RHA rules will work, and requests for minor amendments so the rules work better.
- e. **Issue 5** – Opposition or support for RHA Interface Overlays (“buffer areas”) around RHAs

- f. **Issue 6** - Opposition to or questioning of zoning proposed in PC14 in and around RHAs
- g. **Issue 7** – Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation.

3.1.3 I address each of these key issues in this report, as well as other more minor issues raised in the submissions evaluated.

4 PROCEDURAL MATTERS

4.1 PROCEDURAL MATTERS

4.1.1 At the time of writing this report there has been a pre-hearing conference on 1 August 2023. There have not been any clause 8AA meetings or expert witness conferencing in relation to submissions on Residential Heritage Area planning provisions.

4.1.2 It is noted that some submissions relating to residential heritage areas also cover matters that will be addressed in other s42A reports. Where a submission point is included in the summary tables for Residential Heritage, other points or parts of points which are addressed under other reports are noted in the table.

5 BACKGROUND AND STATUTORY CONSIDERATIONS

5.1 THE RESOURCE MANAGEMENT ACT 1991

5.1.1 The 'Strategic Overview' section 42A report and the section 32 report(s) set out above in 2.2.8 provides a detailed overview of the key RMA matters to be considered by PC14 and will not be repeated in detail here.

5.1.2 In summary, PC14 (and PC13) have been prepared in accordance with the RMA and in particular, the requirements of:

5.1.3 Section 74 Matters to be considered by territorial authority, and

5.1.4 Section 75 Contents of district plans; and

5.1.5 Section 76 District Rules.

5.1.6 In regard to PC14 only, as discussed in the 'Strategic Overview' section 42A report and the section 32 reports referred to in 2.2.8 relating to Residential Heritage Areas, the RMA-Enabling Housing

Supply and Other Matters Amendment Act 2021 requires the Council to make changes to its operative district plan for the purposes of:

- 5.1.7 Incorporating Medium Density Residential Standards into all relevant residential zones (s77G(1));
- 5.1.8 Implementing the urban intensification requirements of the NPS-UD (s77G(2)) and giving effect to policy 3 in non-residential zones (s77N); and
- 5.1.9 Including the objectives and policies in clause 6 to Schedule 3A of the RMA (s77G(5)).
- 5.1.10 The required plan changes and variations must be undertaken using an Intensification Planning Instrument (IPI) in accordance with sections 80E to 80H of the RMA. Councils must use the Intensification Streamlined Planning Process (ISPP) set out in Part 6 of Schedule 1 of the RMA.
- 5.1.11 The primary focus of PC14 is to achieve the above requirements of the RMA as amended by the RMA-EHS.
- 5.1.12 As set out in the 'Strategic Overview' section 42A report and the section 32 reports listed in 2.8 and 2.9 above, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of PC14 in relation to Residential Heritage Areas. These are listed in the section 32 for PC13 on pages 5-7 and include: Section 6 (f) of the RMA; section 7 of the RMA; NPS-UD and MDRS as mentioned above; and the Canterbury Regional Policy Statement, in particular Objectives 6.2.3 – Sustainability, 6.3.2.(1) Turangawaewae -Sense of Place and Belonging , and 13.2.1- Identification and Protection of Historic Items, Places and Areas and 13.2.3 – Repair, Reconstruction etc of Built Historic Heritage; and Policies 13.3.1 – Recognise and Provide for the Protection of Historic Items, Places and Areas, and 13.3.4 – Appropriate Management of Historic Buildings. Most of these provisions refer not just to items and buildings but to places and areas, as does the Christchurch Central Recovery Plan.
- 5.1.13 While it is a non-statutory strategy, it is important to note that Christchurch City Council has an adopted “Our Heritage, Our Taonga Heritage Strategy (2019-2029)” which was produced in partnership with the six papatipu rūnanga and with the involvement of the communities of Christchurch and Banks Peninsula. Goals of the Heritage Strategy include “seeking to develop the strongest possible regulatory framework to ensure effective protection of significant and highly significant heritage places” and “seeking to increase the scope and breadth of regulatory and non-regulatory protection measures which could achieve ... a broadened range of heritage places and values ... heritage areas...”
- 5.1.14 This report includes a comprehensive assessment, in particular in the section 8 Analysis of Submissions and Further Submissions, of the PC14 provisions and qualifying matters in relation to

these documents and plans and all statutory considerations in so far as they relate to the Residential Heritage Areas and related planning provisions.

5.2 SECTION 32AA

- 5.2.1 As noted above I have undertaken an evaluation of the recommended amendments to the Residential Heritage Area provisions since the initial section 32 evaluation(s) was/were undertaken, and as a result of the evaluation of submissions, in accordance with s32AA.
- 5.2.2 The required section 32AA evaluations for changes I have proposed as a result of consideration of submissions are contained within the assessments provided below in relation to submissions on Residential Heritage Areas and associated planning provisions.
- 5.2.3 Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated in terms of S32AA.

5.3 TRADE COMPETITION

- 5.3.1 Trade competition is not considered relevant to the [insert zone chapter / Topic provisions].
- 5.3.2 There are no known trade competition issues raised within the submissions. [to check and amend accordingly.]

5.4 CHRISTCHURCH DISTRICT PLAN

- 5.4.1 The relevant district plan provisions also need to be considered in preparing a plan change and considering any submissions on the change. The section 32 report for PC13 contains an evaluation of the historic heritage proposals of PC14/PC13 including provisions covering the Residential Heritage Areas against the relevant District Plan objectives and policies. I agree with the assessment carried out.
- 5.4.2 Policy 9.3.2.2.2 Heritage Areas of the current District Plan provides a framework for identifying, assessing and scheduling heritage areas. In the last District Plan review, however there was inadequate time to do this comprehensively, and in the event only one heritage area, Akaroa was included in the District Plan, with no rules attached, other than matters of discretion e.g. a requirement for consideration of the heritage area in assessing proposals for development within the heritage area. Policy 9.3.2.2.11- Future Work Programme, does indicate that the Council “will facilitate further identification and assessment of.....heritage areas for inclusion in the District Plan over time”.
- 5.4.3 PC13 proposes an amended Policy 9.3.2.2.2 Heritage Areas, so as to be more consistent with the wording of Policy 9.3.2.2.1 for heritage items and to more accurately reflect the criteria for

scheduling of heritage areas. These wording amendments do not fundamentally change the direction of the policy, but rather refine it so that it is more useful and informative in setting out Council’s approach to heritage areas. The management, ongoing use and demolition policies of Chapter 9.3 are also proposed to be amended to encompass heritage areas.

- 5.4.4 There are no rules currently in Chapter 9.3 of the Christchurch District Plan for Residential Heritage Areas, so to achieve a level of protection, the plan change proposes new activity rules, requiring restricted activity consent for new buildings and alterations to buildings in RHAs, with some exceptions. In addition the plan change proposed new built form and density rules for RHAs.
- 5.4.5 These proposed provisions were assessed in the Section 32 reports prepared for PC14 and PC13 in terms of consistency with the relevant strategic directions set out in Chapter 3 of the District Plan, and appropriateness in achieving the purpose of the Act.
- 5.4.6 Chapter 3 Strategic Directions of the Christchurch District Plan provides the overarching direction for the District Plan and all other chapters of the Plan must be consistent with its objectives (3.1). It provides a direction for Residential Heritage Areas by stating as an outcome at Objective 3.3.9 – Natural and Cultural Environment (this is proposed as Objective 3.3.10 in PC14):
- 5.4.7 “a. A natural and cultural environment where
- i. *Objects, structures, places, water/wai, landscapes and areas that are historically important, or of cultural or spiritual importance to Ngāi Tahu mana whenua, are identified and appropriately managed.”*

6 PLAN CHANGE 14 /13– RESIDENTIAL HERITAGE AREAS

6.1 OVERVIEW

- 6.1.1 Paragraphs 2.2.38 to 2.2.51 of the section 32 for Plan Change 13, explain where the Residential Heritage Area concept came from and how the 11 Residential Heritage Areas currently proposed to be introduced into the Christchurch District Plan were identified and assessed. For the convenience of the Panel and submitters, I will summarise and set out key elements of this information here.
- 6.1.2 The definition of historic heritage under the RMA includes historic sites, structures, places and areas, but other than the Akaroa Heritage Area (**HA1**) there are no historic areas in Christchurch scheduled or protected in the District Plan. However there are particular residential areas of the City where buildings and features have collective heritage values as distinctive and significant residential environments. They are made up of multiple buildings and features which collectively rather than individually are of significance to the City’s heritage. Along with individually scheduled

buildings or other items of significant historic heritage, these areas contribute to the overall heritage values, identity and amenity of the City. Where these areas have a high degree of intact physical evidence, they can effectively communicate a historical narrative of the development of areas in Christchurch, and warrant heritage protection as Residential Heritage Areas.

- 6.1.3 The previous City Plan included Special Amenity Areas (**SAMs**) which at the last District Plan review evolved into Character Areas. These are continued with some amendment in Plan Change 14.
- 6.1.4 There has always been a recognition by Council staff that some (although not all) of the Character Areas had additional heritage values, as residential environments representing important aspects of the City's history, for example Englefield Avonville and Lyttelton. Over time there has been a realisation that for some areas, protection of coherent heritage values is the most important consideration, and should occur under section 6(f) of the RMA, and therefore there has been a move towards separating out the two concepts and separately identifying Heritage Areas.
- 6.1.5 There is still some overlap between the two types of areas, but only some Character Areas have this additional layer of shared history, in which case there may also be a proposed Residential Heritage Area for the same or a similar area. This applies to the Englefield Avonville, Church Property Trustees North St Albans Subdivision (1923), Heaton Street, Macmillan Avenue, Piko/Shand (Riccarton Block) State Housing, and Lyttelton Residential Heritage Areas, where for each there is also an associated Character Area. The other Residential Heritage Areas are not Character Areas because, despite the shared history in the area, they are much more diverse in character.
- 6.1.6 Paragraphs 2.2.42 and 2.2.43 of the section 32 report for PC13 describe the 2010 study which established a methodology for identifying and assessing heritage areas, which has been maintained for Plan Change 13/14, following considerable additional investigation by both Dr Ann McEwan and Council's heritage team in 2021 and 2022. It is important to note the criteria adopted for identifying a heritage area:
- a. Incorporates a collection of elements that together addresses the interconnectedness of people, place and activities;
 - b. Contributes to the overall heritage values, identity and amenity of the city;
 - c. Has a coherent heritage fabric which meets recognised criteria for heritage assessment;
 - d. Demonstrates authenticity and has integrity, applying to both tangible and intangible heritage values;
 - e. Contains a majority of sites/buildings that are of Defining or Contributory importance to the Heritage area;
 - f. Has been predominantly developed more than 30 years ago; and

g. Fulfils one or more of Council’s standard heritage assessment criteria (historical/social, cultural/spiritual, aesthetic/architectural, technological and craftsmanship, context/environment, archaeological or scientific significance).

6.1.7 Of an original 89 potential areas, the vast majority of the areas were discounted as not meeting the definition of a Heritage Conservation Area/Residential Heritage Area, leaving just 7 areas. Four additional areas not included in the original 89 were considered during further stages of the work to also meet the criteria, making a total of 11 notified areas. A template was used for all areas (Appendix 10 to the section 32 report). In most cases areas did not meet the criteria due to a lack of sufficient heritage values, and/ or a lack of integrity and authenticity. A number of areas fell short of the threshold of the majority of the sites/buildings having primary (defining) or contributory importance to the heritage area, predominantly because they were not sufficiently intact following the earthquakes and post-earthquake change. In some cases there was character in line with the Character Area provisions of the Plan, but there was compromise to the historic heritage values of the area as a result of demolition, housing modification or new development, intrusive fencing etc.

6.1.8 Site by site assessment was undertaken for the 11 areas which did meet the criteria. The areas have been mapped on aerial maps and on the Planning Maps, and are supported by Council heritage reports for each area written by Dr McEwan. These reports contain the history and heritage values assessment of the area, record forms for individual properties within the area, and tables indicating the contributory values of individual properties. As is typically the case in New Zealand, there is considerable variation of building stock and associated features even within the most intact areas. Properties have been categorised by Dr McEwan as “defining”, “contributory”, “neutral” or “intrusive”, depending on the contribution they make to the overall heritage values of the area. This makes a difference to the planning rules which will apply, as will be explained below. The reports, aerial maps showing the area boundaries and mapping of the contributory values of individual properties will be linked from the District Plan and are currently found in the appendices to the section 32 report.

6.1.9 It is useful to note that the degree of intactness of the 11 areas proposed averages only about 65% of buildings being classed as definitive or contributory and varies between around 55% in the Shelley/Forbes RHA to over 90% in the Wayside Avenue RHA and RNZAF Wigram Staff housing RHA. A qualifier to this is that most RHAs are small, because particular properties or groups of properties with a shared history, but where there was no longer sufficiently intact physical evidence of heritage values, were excluded from the RHA areas. So were a number of properties on the edges of proposed RHAs which were not visible from the street. It also has to be noted that a policy was adopted of not having “holes” within RHAs. This will be discussed further below.

6.2 PROPOSED PLAN PROVISIONS FOR RHAS

6.2.1 As already noted in paragraph 5.4.3, PC13 proposes an amended Policy 9.3.2.2.2 Heritage Areas, so as to be more consistent with the wording of Policy 9.3.2.2.1 for heritage items and to more accurately reflect the criteria for scheduling of heritage areas.

6.2.2 Policy 9.3.2.2.2 would now read:

9.3.2.2.2 Policy – Identification, assessment and scheduling of heritage areas

- a. Identify **heritage areas** ~~groups of related historic heritage within a geographical area~~ which represent important aspects of the Christchurch District's cultural and historic themes and activities and assess them for significance to the Christchurch District ~~and their relationship to one another~~ according to:
 - i. ~~the matters set out in Policy 9.3.2.2.1 whether the heritage area meets at least one of the heritage values in Appendix 9.3.7.1 at a significant or higher level;~~ and
 - ii. the extent to which the ~~area~~ **heritage area and its heritage values** ~~contributes to Christchurch District's sense of place and identity; has at least a moderate degree of integrity and authenticity;~~ is a comprehensive, collective and integrated place, and contains a majority of buildings or features that are of defining or contributory importance to the heritage area.
- b. Schedule historic **heritage areas** that have been assessed as significant in accordance with Policy 9.3.2.2.2 (a).

6.2.3 These wording amendments are proposed to be more consistent with the wording of Policy 9.3.2.2.1 for heritage items and to more accurately reflect the criteria for scheduling of heritage areas. These wording amendments do not fundamentally change the direction of the policy, but rather make it more useful and informative in setting out Council's proposed approach to heritage areas. The management, ongoing use and demolition policies of Chapter 9.3 are also proposed to be amended to encompass heritage areas.

6.2.4 With regard to rules, three specific sets are proposed for RHAs; activity rules, built form rules and subdivision /density rules. All the RHAs are within residential zones affected by PC14, so they would all be zoned HRZ or MRZ (or in the case of Lyttelton, Banks Peninsula Residential zone) with no specific protection for collective heritage values, if these zones were applied without modification. Council considered that it was inappropriate to zone any RHAs to High Density Residential, because of the pressure this would put on the properties to be redeveloped to reflect greater development opportunity and potentially higher land values, hence the three RHAs in the Central City and nearby were all zoned as MRZ, even where their surrounds were zoned HRZ.

6.2.5 New proposed activity rules for RHAs are proposed in Chapter 9 at 9.3.4.1.3 RD6 and RD7. Essentially most new buildings and alterations to buildings in RHAs, as well as alterations to front fences of over 1.5m in height, are proposed to require a restricted discretionary consent, to enable assessment of the proposal in terms of effect on heritage values. There are exceptions for buildings under 5m located to the rear of the main residential unit, alterations to neutral or intrusive buildings which are not visible from the street etc.

- 6.2.6 The proposed use of restricted discretionary status for the proposed Residential Heritage Areas reflects Council’s approach to heritage to date for heritage items, which is generally a case by case restricted discretionary assessment of development proposals. This represents a judgement that context and circumstances differ greatly between different items of heritage value, making it difficult to define activity or built form standards. Council’s heritage team do not consider that controlled activity status is adequate to protect or conserve heritage, and I share this view. It is generally accepted that conditions on a controlled activity consent cannot be so limiting as to effectively prevent the activity taking place. Controlled activity conditions also cannot require a change in the nature of the activity, or significant redesign of it, for example requiring relocation on the site of buildings such as garages, or even changes to the design of alterations so that they are more compatible with heritage values. Council’s Heritage Team also state that discussion and negotiation with applicants to achieve greater alignment with heritage values, is less effective when there is no possibility of public notification or, in worst cases, refusal of a consent.
- 6.2.7 In practice RD status has not often led to refusal of proposals in respect of heritage items². In respect of new development in RHAs, the threshold/bar for new development would not be so high that new development would have to be built to be defining or contributory, but rather built so as not to offend or at least be neutral in regard to the key heritage values of the area. New buildings being assessed for resource consent within an RHA would be expected to broadly respond to the identified heritage “characteristics” of an area, without replicating the details of the building being replaced.
- 6.2.8 Matters of discretion are similar to those for scheduled items, but for RHAs there is intended to be a primary focus on the collective values of the heritage area. There must necessarily also be a secondary focus on individual defining and contributing buildings which contribute to the heritage values of that area, otherwise the values of the RHA will be progressively degraded over time (“death by a thousand cuts”). Policy 9.3.2.2.8 for demolition is proposed to be amended to also cover RHAs, but only in respect of defining and contributory buildings (Rule 9.3.4.1.3.RD7), as Council has no interest in controlling the demolition of buildings which do not contribute to the heritage values of the area.
- 6.2.9 Specific built form rules for RHAs have now been included in the rules package at Rules 14.5.3.2 (for RHAs in MRZ zones) and 14.8.3.2 (for Lyttelton RHA, in the RBP zone). This is because MRZ or

² Council figures for the 2022/23 year, show that out of 3165 restricted discretionary consents processed across all topics (i.e. not just heritage), only 2 were declined. An important factor influencing this is that there may be considerable discussion with applicants including at the pre-application stage, to achieve a proposal which can be supported. Many potential applicants are not prepared to pursue an application which is likely to be declined, and some applications are withdrawn or significantly changed.

standard RBP built form rules would otherwise apply. In my opinion the former (MRZ rules) are generally very permissive, and would not adequately protect the heritage values of the RHAs. For example one of the values of the Piko/Shand RHA is a significant degree of openness/spaciousness adjoining the street, and MRZ rules would allow this to be compromised. Other potential impacts of intensification are listed in 6.2.14 below.

- 6.2.10 The built form rules proposed match those of the relevant Character Areas, because if such rules differed this would cause significant confusion for property owners. Where development is proposed in respect of properties which are both in an RHA and also in a Character Area, both topics would of course be assessed under the same consent. Character Area built form rules are based on a detailed assessment of the current form of buildings and of streetscapes, and aim to maintain existing built form so far as possible. To this end, built form rules are generally similar to or in some cases slightly more permissive than current District Plan rules applying under each current zone, but less permissive than the built form and density standards that would apply under the Medium Density Residential zone. However both RHA and CA built form rules still attempt to make some extra provision for intensification e.g. behind existing houses where new development is less visible.
- 6.2.11 One difference between the two sets of built form rules is that there are more built form rules proposed for Character Areas than for RHAs, for example in relation to specific mostly visually focused matters such as windows to street, and detailed requirements for landscaping and fencing. I do not consider that this full suite of rules is necessary in respect of heritage values (and in some cases such as extent of glazing might actually be inappropriate when considering heritage values), and take the view that it is more important to focus on the key rules relating to bulk and location (see also 6.2.7 above, which states that we are not seeking to precisely replicate buildings and features).
- 6.2.12 In all other respects, the built form standards and requirements of the residential zone within which the RHA is located apply, such as daylight recession planes, requirements for outdoor living spaces, and so on.
- 6.2.13 The third set of rules proposed for Residential Heritage Areas are those for density standards including subdivision rules. Again it is proposed that these match the density and subdivision standards proposed for Character Areas, to avoid confusion. These rules are found at Rule 8.6.1. and 14.5.3.2.7. In some cases the minimum subdivision size is proposed to be increased from that possible under the current zoning, as the current figure is considered too permissive and likely to compromise heritage and character values, for example the St Albans RHA and Piko/Shand RHAs, which are currently zoned Residential Suburban Density Transition zone with a minimum site size of 450m². Nevertheless there is still some provision for intensification for example there can be two residential units per site, or minor residential units behind the primary unit, in each case if

built form standards can be met. Table 1 on p26 of the section 32 for PC13 summarises the proposed built form and density standards for each of the RHAs.

- 6.2.14 In respect of PC14 and Qualifying Matters, the effect of the proposed built form and subdivision rules is to decrease the potential development capacity within Residential Heritage Areas below that which would be possible under an unmodified MRZ/RBP scenario. I consider this necessary because unmodified MRZ zoning under a Full Intensification scenario would provide for significant intensification, making it difficult to achieve good heritage outcomes where the heritage values of the area are able to be maintained. The potential impacts of intensification include loss of the original building, much larger scale and dominance from new and additional buildings, including significantly increased site coverage, garages and parking located in road boundary setbacks with associated loss of space and vegetation, loss of visual connection with the street and an increase in height of fencing.
- 6.2.15 Both Mr John Scallan and Mr Philip Osborne have provided evidence for the Council on the extent of loss of development capacity. Mr Scallan has previously advised on this in respect of built form rules for the section 32 report for PC13, and this is discussed at paragraphs 6.3.8 to 6.3.11. of that report. The diagrams at the bottom of Table 1 (p23) in the section 32 report for PC13 illustrate that the main determinant of the extent of decrease in development capacity is the number of storeys permitted for buildings.
- 6.2.16 The Property Economics report on PC13 (Appendix 14 to PC13), considers loss of feasible development capacity and finds that this varies by RHA depending on factors such as capacity feasibility, accessibility and whether or not there is strong value growth. Some RHA areas have little feasible development potential anyway. The RHAs for St Albans, Heaton St and Shelley/Forbes are noted as having the highest potential development capacity impact. The restriction of development potential within the heritage areas can reduce development options, firstly by reducing the choice (by location) of demand and secondly can impact upon the efficient locational provision of housing. However the report states that the extent of this cost is likely to be wholly mitigated (on an overall basis) given the extensive development capacity provided in accessible and efficient areas.
- 6.2.17 A final rule which needs to be mentioned here is the proposal for an Interface Overlay for sites sharing a boundary with an RHA. This only applies where the adjoining zoning would be High Density Residential or Visitor Accommodation. These adjoining properties for 5 of the RHAs³ are proposed to be subject to a restricted discretionary activity consent (Rule 9.3.4.3.1 RD8) , but only

³ Heaton Street, Piko/Shand (Riccarton Block) State Housing, Englefield Avonville, Chester Street East/Dawson Street and Inner City West Residential Heritage Areas

in regard to a limited number of matters of discretion: the effect of the proposed building on the heritage values of sites within the Residential Heritage Area and of the Area as a whole, whether the proposed building would visually dominate sites within the Residential Heritage Area, or reduce the visibility of the site or sites to or from a road or other public space.

- 6.2.18 These High Density Residential sites have a greater potential for causing significant visual dominance effects on the RHAs due to permitting taller multi-storey buildings closer to the boundary. On sites zoned High Density Residential adjoining these RHAs, buildings could be constructed up to 14 metres in height without resource consent, and up to 20-32 metres in height with resource consent. Visual domination of RHA sites could easily result, as well as possible reduction of visibility of the sites to or from roads and other public space. The rule seeks primarily to address the potential for contrasts of scale between the RHA and development on sites sharing a boundary. Contrasts of scale may be able to be reduced by a combination of changes to proposals such as moving the proposed building back from boundary, small decreases in scale or changes to form.
- 6.2.19 Matters raised in submissions will be discussed in section 7 and 8 below.

7 CONSIDERATION OF SUBMISSIONS AND FURTHER SUBMISSIONS

7.1 OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS

- 7.1.1 PC14 and PC 13 were notified on 17 March 2023, with submissions and further submissions closing on 12 May 2023 and 17 July 2023 respectively. The Council received 60 submissions (numbered SX) requesting 241 separate decisions (submission points numbered as SX.Y) in relation to planning provisions for Residential Heritage Areas. It also received 42 submissions requesting 93 separate decisions in relation to site specific matters for RHAs covered in the evidence of Dr McEwan. I have incorporated her recommendations and reasons in Appendix D, my table of the submissions and further submissions in respect of the RHAs overall. The submissions received on both aspects of this topic attracted around 160 further submissions from a much smaller number of submitters, opposing or supporting the decisions requested in the first round of submissions (each further submission point numbered as FSX.Y). Further submissions have not been detailed in this report yet due to short timeframes.
- 7.1.2 For the summary of submissions relating to Residential Heritage Areas, site specific matters and planning provisions for RHAs, refer to Appendix D, which includes recommendations to accept or reject. A copy of the submissions and further submissions received have been provided to the Hearing Panel and copies of all submissions can also be viewed on the [Council website](#).

7.1.3 19 submissions express their support for PC14/PC13 in relation to Residential Heritage Areas. 48 seek amendments in relation to Residential Heritage Areas. 32 submissions oppose this part of the Plan changes and request that the plan changes in relation to Residential Heritage Areas be declined. 3 submissions request specific amendments to the provisions, also indicating their general opposition to this part of the plan changes. A number of the decisions requested have been supported or opposed by further submissions.

7.2 OUT-OF-SCOPE SUBMISSIONS

7.2.1 I am not aware of any submissions on Plan Change 14 or 13 in relation to Residential Heritage Areas which could be considered out-of-scope, as most submitters on this topic have been specific about their concerns, and I consider the variety of relief sought to be 'on the plan change'.

7.2.2 In regard to two minor changes to RHA boundaries recommended in this report which are not sought in submissions, I am of the opinion that the broad nature of PC14 and the range of submissions received, ranging from deleting RHAs and other Qualifying Matters entirely to not applying the MDRS at all, provides wide scope for changes to be made to the proposed RHA provisions.

7.3 REPORT STRUCTURE

7.3.1 The points made and decisions sought in submissions and further submissions can be grouped according to the issues raised, as set out in Table 1 below. The wording is my summary of the submission points rather than directly quoting from the submissions. I have separated the issues into issues reported on by Dr McEwan and issues reported on by myself, and they will be considered below in that order in this section 42A report. I will only summarise those submissions covered by Dr McEwan, primarily to add any planning comment to her recommendations on the identification and assessment of RHAs, and the boundaries of individual RHAs.

Table 1 – Issues raised in submissions

Note: (A) Issues are primarily covered in the evidence of Dr Ann McEwan.

(B) Issues are primarily covered in the evidence of Glenda Dixon.

(A) ISSUES	CONCERN / REQUEST
1. Chester St East/Dawson St RHA	<ul style="list-style-type: none"> • Extend the RHA to take in the full length of Chester St East. i.e. to Fitzgerald Avenue, to maintain the integrity of the community. • Include the former Wards Brewery site. • Include the southern side of Kilmore Street from Dawson Street in the east to Barbadoes Street in the west.

(A) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Include 129, 131 and 133 Kilmore Street. • Exclude the Fire and Emergency property on the north side of Chester St from the RHA. <p>Submissions:</p> <p>S22.1 and S22.2; S281.2; S842.48, S842.75-.77, S842.79; S842.81; S842.82; S1001.1 and S1001.2; S1002.1 and S1002.3; S1007.1; S1013.1 and S1013.2; S1014.1, S1014.2 and S1014.3; S1015.1 and S1015.2; S1016.1; S1022.1 and S1022.2; S1024.1, S1024.2, and S1024.3; S1052.3 and S1052.4.</p>
2. Macmillan Avenue RHA	<ul style="list-style-type: none"> • Remove 20 Macmillan Avenue from the proposed RHA, as it no longer meets the heritage area criteria. It is not visible from the road. The RHA boundary splits two titles which could create problems for future subdivision or boundary adjustment. • Clarify the boundary of RHA8, which was a SAM area in the old City Plan, and ought to be wider. The home of John Macmillan Brown at 35 Macmillan Avenue should be included. • Other homes/properties of iconic citizens should be included in the District Plan. <p>Submissions:</p> <p>S1027.1 and S1027.2; S1079.1 and S1079.2</p>
3. Inner City West RHA	<ul style="list-style-type: none"> • Supports Inner City West RHA and seeks that Cranmer Square be included in it. • Seeks that the Inner City West Residential Heritage Area overlay is removed from 31 Cashel Street and other sites on Cashel Street • Delete the RHA Qualifying matter from 6,14,16, 20 and 22 Armagh Street, 4,6,8,13,14,and 19 Gloucester Street, and 54, 64 and 72 Rolleston Ave (in Rolleston Av excluding the heritage items and setting at 64 Rolleston Avenue. [These properties are all owned by Christs College]. • Delete the Residential Heritage Area overlay on 32 Armagh Street (former Girls High site), as well as the RHA from the surrounding area. Also delete the heritage item and setting on this land (Blue cottage). • Oppose the definitions of defining, contributory, neutral and intrusive buildings in RHAs as being vague and uncertain. • [For heritage reasons] Seek that Commercial use be confined to Oxford Terrace and that the Medium Density Zone extends from 59 Gloucester Street in a direct line south to the River at 75 Cambridge Terrace, displacing the Mixed Use Zone. <p>Submissions:</p> <p>S699.1 and S699.7; S814.9, S814.11, S814.25, S814.26, and S814.241; S823.9, S823.11, S823.212, S823.213, and S823.228; S1061.3 and S1061.4; S1075.1, S1075.5</p>

(A) ISSUES	CONCERN / REQUEST
4. Heaton St RHA	<ul style="list-style-type: none"> • Oppose the Heaton Street RHA. It is a waste of time, as so much change has already occurred along this road. <p>Submission: S37.4</p>
5. CPT/North St Albans (1923) RHA	<ul style="list-style-type: none"> • Delete HA3 (CPT/North St Albans RHA) from Appendix 9.3.7.3 but keep the area as a residential character area. Delete any applicable RHA qualifying matters. • Change 48 Malvern Street from a “defining” to a “neutral” building. <p>Submission: S135, S1003.2, S1003.7</p>
6. Shelley/Forbes RHA	<ul style="list-style-type: none"> • Support the inclusion of RHAs including RHA11 Shelley/Forbes Street. • Amend Appendix 9.3.7.3 to include 10 Shelley Street as a defining building • Oppose the RHA as it applies to Forbes Street, Sydenham. <p>Submissions: S1005.2 and S1005.3; S1041.1 and S1041.2</p>
7. Piko/Shand State Housing RHA	<ul style="list-style-type: none"> • Oppose all the RHAs and specifically oppose Piko/Shand • Oppose the Piko Crescent RHA <p>Submissions: S834.333 and S834.355; S1053.1 and S1053.3</p>
8. Lyttelton RHA	<ul style="list-style-type: none"> • Remove Lyttelton as a heritage area and instead pick a specific street or smaller area to designate as heritage • Oppose the extent of the Lyttelton Heritage Area and seek that this be reduced. • Support the extent of the Lyttelton Heritage Area as notified. <p>Submissions: S289.3 and S289.4; S1078.1 and S1078.2, S1083.1 and S1083.2</p>
9. Requested additional RHAs	<ul style="list-style-type: none"> • Mary Street and Rayburn Street in Papanui • Area around Papanui St, Dormer St, Rayburn Ave and Perry St • Windermere Road and St James Street • Beverley Street St Albans/Merivale • Scott Street Sydenham • Additional areas of Hornby, South Hornby, Sockburn, Hei Hei, Islington, and Broomfield • Much larger Riccarton heritage setting from Mona Vale to the Britten stables and war memorial at Jane Deans Close • Cashel Street to Ferry Road, Bordesley Street to Nursery Road, Philipstown

(A) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Dover Street workers cottages, St Albans • Woodville Street, St Albans <p>Submissions:</p> <p>S37, S206.1, S329.3 and S329.4, S709.3, S734.1 and S734.2, S755.4, S1008.1 and S1008.2, S1016.4, S1041.1-S1041.3, S1063.1 and S1063, S1088.1-S1088.3, S1090.1, S1090.6, S1091.1 and S1091.2</p>

(B) ISSUES	CONCERN / REQUEST
10. Oppose RHAs or oppose the number of RHAs	<ul style="list-style-type: none"> • Oppose so many heritage areas being added, especially in the suburbs. Our city needs to grow and change. • Should be no RHAs – the areas do not seem to have any unique or distinguishing features. Not significant enough to be given indefinite exemption from intensification. • Limit RHAs to those that genuinely possess a consistent style of built environment that is unique to that area. (S1009.1 and 1009.2) • The full implications of RHAs should be disclosed and should be no more than the current provisions of Character Areas. There is little indication of the difference between them. • The concept of RHAs is based on colonial heritage values and comes from a position of privilege and bias. The heritage provisions are ethnocentric and do not provide for a Ngāi Tahu worldview. • Concern that RHA provisions in Lyttelton Residential Banks Peninsula zone will further constrain aspirations for papakainga housing. • Oppose historic heritage provisions being less enabling and/or resulting in greater regulation and resource consent requirements. This is inconsistent with Strategic Objective 3.3.2 and Heritage Objective 9.3.2.1.1. • Delete all RHAs and all associated provisions • Oppose RHAs [and RHA interface areas] as they do not meet the requirements of S6(f) to be of national significance. RHAs lack a strong evidence base. Council has sought to conflate special character with historic heritage. For Piko/Shand, the benefits of providing a greater number of houses for the most vulnerable members of society, are greater than retaining the character associated with existing housing. RHAs are not an efficient use of land under the NPS-UD/MDRS. • A more nuanced assessment of costs and benefits is required for heritage areas in locations that are otherwise ideally located for further intensification, such as the heritage areas within and adjacent to the central city/ Four Avenues, or areas with a high proportion of OCHT housing. • Importance of ensuring that Christchurch has sufficient development capacity

(B) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Proposed RHAs shouldn't be qualifying matters. Strike out all rules as they relate to RHAs. • Oppose and strike out all RHAs and RHA rules especially Lyttelton, Inner City West and Piko/Shand. Lyttelton RHA will enforce arbitrary design standards and density restrictions; Inner City West and Piko/Shand are perfectly suited to more new homes. • Oppose the Piko/Shand RHA, or reduce it to say the 5 most important houses, as it is very close to the Riccarton Road public transport corridor which is also a future MRT route. The heritage value of state houses does not come close to the importance of allowing a higher density of homes here. • Lyttelton's fabric is constantly evolving and should not be locked into an image of the past. Oppose RHA. • Having an RHA overlay over Christ College's landholdings is inconsistent with the SP School Zone and its aim of enabling education providers to efficiently develop their land and buildings for education activities. The school holds a certificate of compliance for the demolition of all buildings across their land on the eastern side of Rolleston Av (excluding the two scheduled buildings) • Submissions: S191.1 and S191.2, S242.20 and S242.21, S695.8, S695.11-S695.21, S695.22, S699.1, S699.4, S699.8-S699.10, S814.90 (part), S814.94-S814.99, S814.102- S814.104, S814.108 - S814.110, S814.151, S814.163-S814.168, S823.83 (part), S823.131 – S823.135, S823.216 - S823.219, S823.221, S823.222, S823.225-S823.227, S823.231-S823.233, S834.333, 834.334, S834.335, S877.6, S877.7, S877.24, S1009.1- 1009.3, S1025.1 and S1025.2, S1030.1 and S1030.2, S1033.1 - S1033.3, S1048.1-S1048.16, S1048.19-S1048.36, S1053.1 and S1053.3, S1038.1, S1069.1 - S1069.3, S1070.2, S1071.2, S1072.3 and S1073.2, S1085.3
11. Support RHAs/seek more RHAs	<ul style="list-style-type: none"> • Strongly support the inclusion of 11 new heritage areas. Disappointing that there are not more areas and they are bigger. Central City East has already lost a lot to "lowest common denominator" multi-unit housing. Incredibly important to preserve what we have left of the City's heritage. • Support the inclusion of 11 Residential Heritage Areas, as this will provide an important new layer of protection for these neighbourhoods with heritage values. Christchurch has a wealth of history which plays an important role in generating a feeling of identity and wellbeing, as well as encouraging intergenerational connection. • Leave some areas to character and heritage otherwise the City will change too much. No memories. • Support RHAs and those areas being Qualifying Matters.

(B) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Retain RD6, RD7 and RD8 as proposed [main rules for RHAs] as well as other rules for RHAs e.g. matters of discretion. • Strongly support measures to prevent development of high density housing in heritage areas. • Support the creation of RHAs in Macmillan Avenue Cashmere and Shelly/Forbes St Sydenham. • Support proposed RHAs, in particular the proposed Chester St/Dawson St RHA • Support the creation of the Englefield Heritage Area • Further heritage areas need to be assessed and created across the city to protect Christchurch’s remaining built history. Built history tells the story of the city and after a period of such great loss following the Christchurch earthquakes, far greater effort needs to be made to preserve the best of what remains. • Support the protection of RHAs and recognises the need to balance housing development with protecting areas of cultural heritage and identity. Engagement with cultural heritage promotes community wellbeing. <p>• Submissions:</p> <p>S145.18, S193.2, S193.3, S193.6, S193.7, S193.8, S193.10, S193.15, S193.16, S193.19, S193.25- S193.27, S225.5, S404.1, S428.3, S700.1, S700.3 and S700.6, S737 [statements on HAs not coded], S755.4, S835.20, S885.3, S885.4, S885.6, S885.7, S1019.1, S1019.2, S1020.2, S1020.3, S1026, S1077.1</p>
12. Amend RHA rules so they are less restrictive	<ul style="list-style-type: none"> • Defining and contributory categories should be removed from the plan change as they are an inappropriate response to the NPS-UD. • Lyttelton’s fabric is constantly evolving and should not be locked into an image of the past. Include only defining and contributory sites in the RHA. Remove all neutral sites. • Contributory buildings should not be subject to a resource consent for demolition if rebuilding in line with the character of the street. • Oppose the proposed amendments to Policy 9.3.2.2.8 Demolition, as this subjects buildings in heritage areas to the same policy tests as listed items. • Rule 9.3.2.1.3 RD6 appears to cover all buildings on a site, and also minor works to alter building exteriors eg installing a cat door. This is onerous and inefficient as a rule and has the practical effect of listing all the buildings on site as well as the setting. Same alterations rule as that for listed buildings should not apply. Delete rule or rewrite if kept • Delete Rule 9.6.3.4 Matters of discretion, or if it is kept, amend to remove matters that focus on the dwelling itself and target the

(B) ISSUES	CONCERN / REQUEST
	<p>assessment to impacts on the wider RHA. Clauses (viii), (ix) and (d) are not relevant.</p> <ul style="list-style-type: none"> • Delete references to heritage areas in Policy 9.3.2.2.3, 9.3.2.2.5, and 9.3.2.2.8. If required, target the policy to impacts on values of the area and not of the individual building. • Adopt MDRS height rules in RHAs, to provide for taller villas and two storey Victorian villas and Arts and Crafts houses to be altered, but apply stricter limits on site coverage and setbacks to work with the existing streetscape. • Amend height rule [in St Albans North RHA] to enable two storey buildings • Road setback rule 14.5.3.2.8(b) does not provide an applicable setback if the existing house is not relocated or demolished. Apply a minimum of 6m setback for all buildings. • Rule 14.5.3.2.8(c)(ii) internal building setbacks should apply only to primary building on site and not all buildings. • Internal building setbacks of 1m and 3m are unfair as there are already houses built closer to each other than this. (Chester St East) • Oppose 40% coverage limit as many houses cover more than this, and it should not matter if you cannot see into the back yard. Allow up to 70% coverage on a case by case basis. • Even in RHAs, need to be able to make improvements that enhance sustainability eg solar panels, water capture tanks, double glazing, without requiring consent or using heritage builders. Houses on corners will be disadvantaged due to having two sides which can be seen from the road. • Review RHA rule drafting to see if a more nuanced approach is appropriate eg re satellite dishes and skylights. Support regulation of fences. <p>• Submissions:</p> <p>S519.7, S519.22-.24, S519.26, S700.7, S1003.1, S1003.4, S1003.6, S1003.8- S1003.13, S1003.16, S1017.2 S1017.4, S1036.1- S1036.3, S1048.17, S1048.18, S1069.1, S1069.2, S1078</p>
<p>13. Clarify how RHA rules will work/make minor amendments so they work better.</p>	<ul style="list-style-type: none"> • Interim protection for potential RHAs • Review RHAs at least every 30 years, or automatically remove them. • Specify that additional QMs can be added in future eg on heritage. • Clear definition of “heritage” character of each RHA, so it is easy to determine whether or how a proposed development might meet such standards, Eg for Lyttelton - HA7, not permit buildings to obstruct view of the water from first floor or above of other properties. • Seeks an effective means whereby any property within a heritage area may be developed, within reasonable limits defined by the area.

(B) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Public notification of consents on vacant sites eg 94-96 Chester St East. • Clarify if intrusive buildings within an RHA need to meet activity standards in 9.3.4.1.1. P2 – repairs to a heritage item or a building in a heritage area. Also does P3 apply re temporary buildings? • Update documentation for 31 Worcester Boulevard as it is now vacant, and clarify which RHA rules will apply for new development. • Amend the contribution of the property at 31 Worcester St to intrusive as it is now vacant; correct colour/categorisation of 1 Armagh St from blue to green (contributory). • Update documentation for 21 Worcester Boulevard as it has been renovated. Clarify the status of heritage assessments if resource consents are granted for change. • Amend Rule 9.3.4.1.3 RD1 to exempt buildings in RHAs (except scheduled items) from RD1. RD6 will apply instead. • Add mention of RHAs in subdivision rule 8.5.1.3 RD2 – breach of minimum site area and dimension - and in matters of discretion. • Amend Rule 14.5.3.1.3 RD15 to clarify RHA matters of discretion in MRZ zones. • Change the title of the C Series maps to “Proposed Plan Changes 13 and 14’, not either/or. • Submissions: S842.73, S842.74, S1003.5, S1016.3, S1028.2, 1028.4, S1033.1, S1052.5, S842, S1062.1, S1062.2
<p>14. Oppose or support RHA Interface Overlays (“buffer areas” around RHAs)</p>	<ul style="list-style-type: none"> • Oppose any special provisions for RHAs, as these are not significant enough to be given effective indefinite exemption to intensification, especially with the buffer zone requirements as planned. • Oppose interface provisions as they further blur the distinction with s 6(f) matters. These controls are not a universally accepted approach. • The statement in the consultation document that: “Our proposal also includes introducing a buffer for RHAs, with a High Density border to better protect their edges”, is misleading and confusing. It implies that a high density zone would be the buffer. As this does not make sense, how would a buffer be given effect? • Support interface areas but make wording clearer and possibly apply more widely eg to sites separated from RHA by a road. • Support the proposed Chester St/Dawson St RHA including the proposed Interface rules for the adjacent sites which share a boundary with that proposed Residential Heritage Area. • Support a protective buffer for the edge of Englefield RHA.

(B) ISSUES	CONCERN / REQUEST
	<ul style="list-style-type: none"> • Some inconsistency as to how HRZ sites in Interface Area Overlay which border only a corner of the RHA are treated. Delete two sites from interface areas around each of Englefield, Chester St East, and Piko/Shand RHAs. • Make minor changes in wording of references to interface areas on RHA maps in Rule 9.3.4.3 RD8, and in Matters of discretion at 9.3.6.6. • Submissions: S700 (not coded), S814.99, S814.104, S814.217, S823.183, S823.222(part), S823.227, S834.336, S885.5 and S885.6, S877.24, S835.23, S1002.2, S1052.6
15. Question/oppose zoning in and around RHAs	<ul style="list-style-type: none"> • Change zoning for 35 Hamner Street in Englefield RHA from HRZ to MRZ ; • Rezone high density zone between Chester Street East and Fitzgerald Ave to Residential Heritage Area.(address adverse aesthetic effects of HRZ.) • Submissions: S1016.2
16. Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation	<ol style="list-style-type: none"> 1. Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation. Cost of resource consent assessment for new developments in RHAs to be borne by CCC. Council should fund proper management of the RHAs so that amenity is maintained. 2. Support [Policy 9.3.2.2.10 on] incentives and assistance for historic heritage [in relation to RHAs and maintenance and repair costs] <p>Submissions: S1017.3, S1028.3</p>

7.3.2 Some submissions raise more than one matter, and these will be discussed under the relevant issue(s) in this report. I note that I have considered any substantive commentary on primary submissions contained in further submissions, as part of my consideration of the primary submissions to which they relate.

7.3.3 For each identified topic, the consideration of submissions has been undertaken in the following format:

- a. Matters raised by submitters;
- b. Assessment;
- c. **Summary** of recommendations. The specific recommendations are in Appendix D.

d. Section 32AA evaluation where necessary.

- 7.3.4 Following discussion and evaluation of the submissions and further submissions, the names of submitters and recommendations on their submissions within or at the end of the discussion, are typed in bold within this report. My recommendation on each submission and a summary of reasons are also shown in a table format in Appendix D – Table of Submissions with Recommendations and Reasons, attached to this report. I note that due to the number of submission points, my evaluation of some of the submissions is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally.
- 7.3.5 As a result of consideration of submissions, for the reasons discussed below I recommend some amendments to the District Plan provisions/ and/or objectives. I have provided a consolidated ‘track changes’ versions of the Residential Heritage Area provisions with my recommended amendments in response to submissions as Appendix B. In Appendix B, the operative District Plan text is shown as normal text. Amendments proposed by PC14 as notified are shown as bold underlined text in black or bold strikethrough text in black. Any text recommended to be added by this report will be shown as purple bold underlined text and that to be deleted as purple bold strikethrough text. Text in green denotes existing defined expressions and in bold green underlined shows proposed new definitions. Text in blue represents cross-reference jump links to other provisions in e-plan.
- 7.3.6 Section 32 of the Act requires the Council to carry out an evaluation of PC14 to examine the extent to which relevant objectives are the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the related policies, rules, or other methods are the most appropriate for achieving the objectives.
- 7.3.7 All of the provisions proposed in PC14 have already been considered in terms of section 32 of the Act (**s32**). Where amendments to PC14 are recommended, I have specifically considered the obligations arising under section 32AA (**s32AA**) (refer to section 9 / **Appendix A**) and undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
- 7.3.8 The evaluation of submissions provided in this section 42A report should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves as well as the following appendices:
- 7.3.9 Appendix A - S32AA Evaluation where minor changes are proposed
- 7.3.10 Appendix B – Recommended Amendments to the Residential Heritage Area provisions
- 7.3.11 Appendix C- Recommended Amendments to the Residential Heritage Area maps

7.3.12 Appendix D – Recommended Responses to Submissions and Further Submissions on Residential Heritage Areas.

7.3.13 This report addresses submissions on definitions that are specific to the Residential Heritage Area provisions in PC14, under Issue 12.

8 ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

8.1 ISSUE 1 – CHESTER STREET/DAWSON STREET RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S22. 1 and S22.2	Peter Beck	Extend the Chester Street East Residential Heritage Area to cover the entire street.		Reject
S281.2	Mary Crowe	Chester Street East should receive heritage protection zoning for the whole length of the street.		Reject
S842.48,	Fire and Emergency NZ	Request that the boundaries of RHA2 are reduced to exclude the Fire and Emergency City Station site at 91 Chester Street East.		Accept in part
S842.75-.77, S842.79, S842.81, S842.82	Fire and Emergency NZ	Ensure that 91 Chester Street East is not subject to these RHA rules		Accept in part
S1001.1 and S1001.2	Kirsten Rupp	All of Chester Street East be included in the Residential Heritage Area.		Reject
S1002.1 and S1002.3	Keith Patterson	The section of Kilmore St west of Dawson St to Barbadoes St to be included in the Chester St/ Dawson Lane Residential Heritage Area.		Reject
S1007.1	Ian Shaw	Add the following areas to the Chester St heritage area: 1: The area East of Dorset [Dawson] Street to Fitzgerald Avenue. 2. The properties located on Kilmore Street that adjoin the heritage area of Chester Street East, eg: the North boundaries of 129, 131 and 133 Chester Street		1. Reject 2. Reject
S1013.1, S1013.2	Simon Adamson	That Chester St East be included in the Chester Street Residential Heritage Area		Reject

S1014.1-S.1014.3	Susan Parle	That Chester St East be included in the Chester St Residential Heritage Area		Reject
S1015.1 and S1015.2	Mary Crowe	The entirety of Chester Street East should be included in the Residential Heritage Area.		Reject
S1016.1	Waipapa Papanui-Innes-Central Community Board	The entire area or whole street from Chester Street East to Fitzgerald Ave be included in the Residential Heritage Area.		Reject
S1022.1 and S1022.2	Bosco Peters	That Council recognises the whole of Chester Street East as having special heritage character, and Include it in Appendix 9.3.7.3		Reject
S1024.1-S1024.3	Marius and Roanna Percaru	That the special heritage and character of Chester Street East include the whole of Chester Street East [that the whole of Chester Street East is included as a Residential Heritage Area].		Reject
S1052.3 and S1052.4	Oxford Terrace Baptist Church	The whole of Chester Street East be included in the Residential Heritage Area.		Reject

- 8.1.1 Some of these submitters note that the City Council passed a resolution on PC13/14 on 13 September 2022, that “the special heritage and character of Chester Street East include the whole of Chester Street East”. The minutes of that meeting were combined with those from the 8 September 2022 meeting when discussion on notifying these plan changes began. Resolution CNCL/2022/00119 was: That the Council: “Request staff to make any changes to Plan Change 13 and Plan Change 14 to extend the Chester St East/Dawson St heritage area (**HA2**) to include all properties with a Chester St East address east of the currently proposed HA2 boundary”.
- 8.1.2 This resolution and others made at this meeting were subsequently rescinded at the Council meeting on 1 March 2023, when the Council approved the notification of the alternative Plan Changes 13 and 14 proposals. Staff did not recommend the extension of the heritage area in the revised plan changes, because the majority of the properties in the eastern section of Chester Street had been evaluated as “neutral” or “intrusive”, rather than “defining” or “contributory”.
- 8.1.3 Dr Ann McEwan’s evidence covers the submissions made on the Chester Street East boundaries and concludes that the eastern portion of Chester Street East does not merit scheduling as part of Chester Street East RHA. She states that the built environment that now exists in this section of the street has a low level of authenticity and integrity and does not embody significant heritage values.

- 8.1.4 Dr McEwan acknowledges, as I do, that it is understandable for the community to want the whole street to be included. However RHAs are not defined on the basis of community, but rather on significant historic values.
- 8.1.5 Dr McEwan concludes that it is not necessary for the former Wards Brewery site to be included in the RHA as some of the buildings on the site are already scheduled, and the setting includes all of the buildings on the site. However, she does note that the cottages at 341, 345 and 347 Barbadoes Street meet the criteria for an extension to the RHA. No submission sought their inclusion.
- 8.1.6 With respect to the submission by FENZ, Dr McEwan recommends that the proposed RHA boundary line, which only includes a portion of the site, be shifted south to only include an approximately 5 metre strip along the southern frontage of the site. This would provide a setback, currently treed and grassed, for any future development on this part of the FENZ property. FENZ indicates that such development would be likely to involve single storey buildings. Dr McEwan considers that including this 5m strip in the RHA would be in sympathy with the heritage values of the area. A map of the proposed revised boundary of the RHA on this site is shown in **Appendix C**.
- 8.1.7 In my opinion this is an appropriate response to the submitters concerns, and represents a considerable reduction on the area first proposed to be included in the RHA. However I do note that there is no certainty that the submitter would retain the strip which is outside the current security fence, in trees and grass. There would be no imperative to remove this vegetation for access reasons if there remains only one entrance into the site from Chester Street East. However there would also be no imperative for future buildings to be setback to this extent. Currently the minimum building setback from the road frontage in this RHA is proposed to be 3m, with a maximum of 5m. (Rule 14.5.3.2.8 (b)(ii)).
- 8.1.8 Subsequent to this recommendation, I have considered the effect of this change on the Heritage Area Interface Overlay in this area. I have concluded that the part of the site originally notified as RHA but now recommended to be excluded from that, should become part of the Interface Overlay, to be consistent with how this is applied elsewhere. Dr McEwan has suggested that this Interface Overlay be extended slightly to the north to align with the rear boundaries of the properties to the east on Chester Street. The remainder of the site fronting Kilmore Street would have no RHA related restriction.
- 8.1.9 Another consistency issue arises with Dr McEwan's suggestion that three cottages on Barbadoes Street be included in the RHA, even though there is no submission to that effect. If these cottages were included, it would be appropriate to add 349 Barbadoes Street which adjoins them to the north, to the Interface Overlay.

Recommendation

- 8.1.10 On the basis of the evidence of Dr McEwan, I recommend that submissions S22.1 and S22.2, S281.2, S1001.1 and S1001.2, S1002.1 and S1002.2, S1007.1, S1013.1 and S1013.2, S1014.1-S1014.3, S1015.1 and S1015.2, S1016.1, S1022.1 and S1022.2, S1024.1- S1024.3, S1052.3 and S1052.4 be rejected.
- 8.1.11 I recommend that submission points **S842.48, S842.75 -S842.77, S842.79, S842.81, and S842.82** are partly accepted, in that the extent of inclusion of the FENZ site at 91 Chester St East be reduced to 5m from the road boundary of the site (ie the inner edge of the footpath) as shown in **Appendix C**, with the Interface Overlay applying to the excluded area, and a strip slightly beyond and to the north, instead.

8.2 ISSUE 2 – MACMILLAN AVENUE RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1027.1 and S1027.2	Daniel Rutherford	Remove 20 Macmillan Avenue from the proposed Macmillan Avenue Residential Heritage Area.	FS	Reject
S1079.1	Dr Bruce Harding	Seek clarification on the RHA 8 (Macmillan Avenue) boundary, as the Special Amenity Area provisions (SAM 17and 17a) in the 1990s City Plan covered a wider area. Why is the home of John Macmillan Brown (35 Macmillan Ave) excluded.	FS	Reject
S1079.2	Dr Bruce Harding	Seek confirmation that homes/properties of iconic citizens (in all city RHAs) are clearly delineated in the revised City Plan— so for Cashmere, for example, “Rise Cottage” (Westenra Terrace), the Ngaio Marsh House (37 Valley Road)		Partly accept

- 8.2.1 S1027.1 and S1027.2 seek to remove 20 Macmillan Avenue from the proposed RHA, as the submitter considers the property no longer meets the heritage area criteria. Dr McEwan does not agree with this view, on the basis of the historic subdivision that underpins the historic, architectural and contextual heritage values of the area, and maintains her view that this property should be included in the RHA.
- 8.2.2 Part of the concern in this submission is that the RHA boundary splits two titles (20 and 20A to the rear which the Rutherfords also own), which could create problems for a future subdivision or boundary adjustment. I add my own planning view to that of Dr McEwan that this is not necessarily an issue. In the Macmillan RHA the minimum net site area for subdivision is proposed to be 800m². If this standard is met for no. 20, a minor boundary adjustment (Rule 8.5.1.2 C1A) should be straight forward. Since 20 Macmillan Avenue is also in a Character Area, the same minimum net site area for subdivision would still apply under these rules.

- 8.2.3 For S1079, in the current Plan the part of 35 Macmillan Avenue closest to Macmillan Avenue is included in Character Area 3, and this remains the situation in Plan Change 14, even though 35 Macmillan Avenue is not included in the proposed Residential Heritage Area in Plan Change 14. Character Areas are different to the Residential Heritage Areas, as explained in paragraph 6.1.4 and 6.1.5 of this report.
- 8.2.4 In regard to S1079.2, Dr McEwan notes that is not usual practice to delineate the homes of iconic citizens in District Plans, unless those properties are included in the Schedule of Historic Heritage at Appendix 9.3.7.2 of the District Plan. Both Rise Cottage and Ngaio Marsh House are included in that schedule.
- 8.2.5 Recommendation
- 8.2.6 On the basis of the discussion above I recommend that **S1027.1, S1027.2 and S1079.1** be rejected, and **S1079.2** be partly accepted, as the properties cited (Rise Cottage and Ngaio Marsh House) are already included in Schedule 9.3.7.2.

8.3 ISSUE 3 – INNER CITY WEST RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S699.1 and S699.7 [identification of RHA only]	Christs College	Delete the RHA Qualifying Matter from the following properties: <ul style="list-style-type: none"> • Armagh Street – Numbers 6, 14, 16, 20 and 22 • Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19 • Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave. 		Reject
S814.9	Carter Group Limited	Oppose the definition for Contributory Building. Seek that this is deleted.		Reject
S814.11	Carter Group Limited	Oppose definition of Defining Building. Seek that it is deleted.		Reject
S814.25	Carter Group Limited	Oppose definition of Intrusive building or site. Seek that it is deleted.		Reject
S814.26	Carter Group Limited	Oppose definition for Neutral building or site. Seek that it is deleted.		Reject
S814.241 (part)	Carter Group Limited	Amend the planning maps to remove the following features identified on the		Partly accept.

		<p>planning maps at 32 Armagh Street (as indicated below):</p> <p>a. The heritage setting and heritage item;</p> <p>[.....]</p> <p>c. The residential heritage area overlay applying to the land and surrounding area.</p>		
S823.9	Catholic Diocese of Christchurch	Definition of 'Contributory Building'. Delete.		Reject
S823.11	Catholic Diocese of Christchurch	Definition 'Defining building'. Delete		Reject
S823.212	Catholic Diocese of Christchurch	Delete the definition of 'Neutral building or site'.		Reject
S823.213	Catholic Diocese of Christchurch	Delete the definition of 'Intrusive building or site'.		Reject
S823.228	Catholic Diocese of Christchurch	Delete Heritage Item 390 and Heritage Setting 287 regarding 32 Armagh Street from Appendix 9.3.7.2.		Reject
S1061.3 and S1061.4	Elizabeth Harris and John Harris	Seeks that the Inner City West Residential Heritage Area overlay is removed from 31 Cashel Street and other sites on Cashel Street		Reject
S1075.1	Diana Shand	Supports the Inner West Residential Heritage Area and seeks that Cranmer Square be included in the Inner City West Residential Heritage Area.		Reject
S1075.5 [part, heritage perspective only]	Diana Shand	Seek that the Commercial use be confined to Oxford Terrace and that the Medium Density Zone should extend south from 59 Gloucester Street in a direct line south to the River at 75 Cambridge Terrace, displacing the Mixed Use Zone.		Reject

8.3.1 In respect to S669.1 and S669.7 by Christs College, Dr Ann McEwan states that the properties in question make a significant contribution to the heritage values of the area and exclusion of these properties from the RHA would be inconsistent with the heritage methodology and criteria applied here and elsewhere by the Council. Other points in this submission are dealt with under Issue 10 (e) below.

- 8.3.2 Carter Group Limited in S814.241 request that the RHA overlay on their land at 32 Armagh Street be removed. They also opposed all RHAs in several points of the submission but this point was not separated out in the submission appendix and has not been specifically coded. Dr McEwan notes that this submission provides no substantive evidence in relation to the heritage values of this or any of the RHAs. She also states that no evidence has been provided to call into question the heritage values of the cottage (the scheduling of which is also sought to be deleted by the Catholic Diocese in S823.228). Ms Amanda Ohs also provides evidence in relation to the request to delist this building.
- 8.3.3 Dr McEwan has reviewed the RHA boundaries and proposed contributions map in relation to this property and realised that there has been a mapping issue with the site. Rather than the whole property being shown as defining, based on the defining rating of the blue cottage, the RHA contribution maps should be amended to align with the site ratings in the Inner City West RHA report, i.e the large lot at 32 Armagh Street currently shown as defining, should be split into three separate ratings. Her rating of the scheduled heritage item on this site, the blue cottage on the corner of Montreal and Gloucester Street, is as defining and of the former Girls High School tuck shop and swimming pool changing rooms as contributory, whereas she says that the remainder of the site where the former Girls High buildings have been demolished and which is currently a vacant site should be shown as intrusive, in line with other vacant sites elsewhere.
- 8.3.4 Since the building ratings are part of the District Plan, I consider that this amendment is within scope, as it is between the proposed provisions and the decision sought. This makes some difference to the rules that apply to the tuck-shop, although it should be noted that the scheduled item is controlled by general heritage rules anyway, rather than RHA rules. (Rule 9.3.4.1.3 RD6(b)).
- 8.3.5 On further consideration, Dr McEwan has come to the view that the corner carpark site could be excluded from the RHA. We have discussed whether it should be subject to a lesser level of control as a heritage interface site adjoining the RHA. She noted that there are multiple heritage items within the broader setting, however this rule relates only to those sites directly sharing a boundary with the RHA. In my view there is still sufficient justification for the carpark site to be included in the interface overlay. Although the site is currently zoned Specific Purpose School zone (until recently it was owned by Christs College), this zone allows for development in accordance with the alternative zoning, which was mistakenly listed as HRZ in the notified Plan at Chapter 13.6. Ms Clare Piper's evidence recommends that the sites in this area owned by Christs College should be returned to MRZ in the alternative zone listings, in accordance with the Planning Maps for this area and in accordance with the intention for all RHAs.
- 8.3.6 I have recorded my recommendation on this submission point as being partly accepted, to the extent that the vacant site on the corner of 32 Armagh Street be removed from the RHA and instead be included in an interface overlay, and that the contributions ratings of the remainder of

the property (the blue cottage and the former Girls High school tuck shop) be amended as described above.

- 8.3.7 Reconsideration of the 32 Armagh site has also led to reconsideration of a similar mapping situation at the other end of this RHA, at the YMCA site between Hereford and Cashel Streets. This property was mistakenly shown as entirely “defining” in the notified contributions map, based on the defining rating of the house at 7 Cashel Street which formerly accommodated “Doctors on Cashel”. The YMCA tower block should have been shown as “intrusive” and the gym and recreation facility building on Hereford St adjoining it should have been shown as “neutral”, both in accordance with the Inner City West heritage report. The “defining” house has now been demolished as part of the redevelopment of the YMCA overall site. Dr McEwan is now of the view that the whole YMCA property should be taken out of the RHA. I recommend that it should however be included in the Heritage Area Interface Overlay on the same basis as for the Carter Group land, i.e. it shares a boundary with the RHA.
- 8.3.8 There is no submission seeking change to the proposed RHA provisions as they specifically affect the YMCA, but I consider that these changes are within the scope of the submissions made on this area as a whole, e.g. seeking deletion of this whole RHA, and I consider they would assist with accuracy and consistency of the provisions and mapping.
- 8.3.9 Both the Carter’s Group and Catholic Diocese submissions challenge the definitions of defining, contributory, neutral and intrusive buildings in RHAs, on the grounds of vagueness and uncertainty. Both submitters oppose all aspects of RHAs. However, each property has been given a contribution rating and this categorisation is mapped in Appendix 9.3.7.7 of the District Plan, with the categories for each property listed in the overall heritage reports for each area, which will be linked from Appendix 9.3.7.4. Without definitions the ratings would be vague, offering no direction to owners or the Council as to the heritage values of the area. There is no uncertainty as to which category each property has been assigned to (notwithstanding the mapping issues referred to above, where parts of a property are intended to have different ratings.)
- 8.3.10 Dr McEwan states at her paragraph 20 that the purpose of this categorisation is firstly to establish whether a potential area includes a sufficient number of Defining and Contributory buildings to embody significant heritage values and, secondly, to provide the basis for the planning provisions which facilitate the ongoing protection of heritage values from inappropriate subdivision, use and development. I touch on this issue under Issue 12(a) below, where I note that removal of these categories would disable the RHA concept. I also note here that categories used for any purpose are often to some extent somewhat arbitrary dividing points on a spectrum, in this case on a spectrum of heritage values.

- 8.3.11 S1063 by the Harrises seeks to remove 31 Cashel Street from the RHA or to remove all sites on Cashel Street from the RHA. Dr Ann McEwan states that that she determined the boundary for the RHA on the basis of the presence of significant historic, architectural and contextual heritage values, and she does not consider that the boundary should be adjusted to remove the Cashel Street properties from the area. I note that the property at 31 Cashel Street has been ranked by Dr McEwan as defining.
- 8.3.12 S1075 by Diana Shand supports the Inner City West RHA and seeks that Cranmer Square be included in it. Dr McEwan does not agree that it should be, as she says Cranmer Square is not integral to the heritage values of the Inner City West RHA. Ms Shand has also suggested a rezoning of the western part of the blocks east of Montreal Street between Gloucester St and Cambridge Terrace near the river, from Central City Business to Medium Density Residential zone, partly on the basis of the heritage values of the wider area. Dr McEwan has however stated that she does not believe that the block described embodies collective heritage value or that a rezoning to residential would have a demonstrable impact on the heritage values of the RHA.

Recommendation

- 8.3.13 On the basis of the discussion above, I recommend that all submissions under this topic be rejected (S699.1 and S699.7; SS814.9, S814.11, S814.25, S814.26; S823.9, S823.11, S823.212, S823.213, and S823.228, S1061.3 and S1061.4, and S1075.1 and part of S1075.5), other than S814.241. For S814.241, I recommend that this submission point be partly accepted, to the extent that the contribution ratings of the site at 32 Armagh Street be amended, to defining for the blue cottage, and contributory for the former Girls High tuck shop and changing rooms. I recommend that the RHA should be remapped to exclude the part of the property which is vacant, but that this site be included instead in the Interface Overlay Area.

8.4 ISSUE 4 – HEATON STREET RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
37.4	Susanne Trim	Opposes Heaton Street Heritage Area		Reject

- 8.4.1 S37.4 is coded as opposing the Heaton Street Character Area but in fact talks about heritage. The submission states that the proposed Heaton Street Heritage Area would be a waste of time because there has been so much change along the road already. In her response on this submission Dr McEwan states that the RHA in Heaton Street has already been limited to the south side of the street, whereas the previous character area which it originated from included the north side of the street and Circuit Street. What is left in the RHA on the south side of Heaton Street has a high level

of authenticity and integrity compared to these portions of the street, and can still be justified as an RHA.

Recommendation

8.4.2 On the basis of this advice, I recommend that **S37.4** be **rejected**.

8.5 ISSUE 5 – CHURCH PROPERTY TRUSTEES /NORTH ST ALBANS (1923 SUBDIVISION) RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S135.2	Melissa Macfarlane	Delete any applicable residential heritage area qualifying matters for the St Albans Church Properties Subdivision area.		Reject
S1003.2	Melissa Macfarlane	Amend 48 Malvern Street to a 'neutral building' rather than a 'defining building'.		Reject
S1003.7	Melissa Macfarlane	Delete HA3 from Appendix 9.3.7.3 and retain the area as a residential character area instead.		Reject

8.5.1 S135.2 and S1003.7 effectively seek the same outcome as each other, which is the removal of the CPT/North St Albans Heritage Area, so that only the current Character Area also covering most of this area would apply. Dr McEwan says that based on the historic heritage values identified and described in the RHA report, she considers that the area demonstrates significant historic heritage values and therefore merits scheduling as an RHA. She also says that this area has a high level of authenticity and integrity.

8.5.2 With regard to 48 Malvern Street, the submitter's property, the submitter argues that considerable modification to it means that it would be better classified as a neutral building. Dr McEwan disagrees, and states that the house retains sufficient authenticity and integrity, at this time, to be rated as a 'Defining' building. She has viewed the current resource consent plans for alterations to the building, but these had not been signed off at the time of writing this report.

8.5.3 Other points made in this submission are discussed elsewhere in this report, In particular under Issue 12.

Recommendation

8.5.4 Based on the above discussion, I recommend that **S135.2, S1003.2 and S1003.7** be **rejected**.

8.6 ISSUE 6 – SHELLEY/FORBES RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1005.2	Kate Askew	Supports the inclusion of Heritage Areas including HA11 Shelley/Forbes Street, and own property at 11 Shelley Street.		Accept
S1005.3	Kate Askew	Amend Appendix 9.3.7.3 to include 10 Shelley Street, as a defining building.		Reject
S1040.1 and S1040.2	Neil McAnulty	Opposes the RHA as it applies to Forbes Street, Sydenham.		Reject

8.6.1 S1005.3 suggests that 10 Shelley Street, which has been recently renovated, ought to be classified as a defining building, as it is so similar to 9 Shelley Street (rated as defining) that they appear to be a matching pair. Dr McEwan however maintains her view that the building at 10 Shelley Street should be rated as contributory.

8.6.2 S1040.1 and S1041.2 opposes the inclusion of Forbes Street in the RHA on the grounds that there is little genuine heritage left in the street. Dr McEwan however does consider that the street merits inclusion.

Recommendation

8.6.3 On the basis of Dr McEwan's advice I recommend that submissions **S1005.3, S1041.1 and S1041.2** be **rejected**, and that **S1005.2** be **accepted**.

8.7 ISSUE 7 –PIKO/SHAND STATE HOUSING RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S834.333, S834.334 and S834.355	Kainga Ora	Opposes the proposed Residential Heritage Areas ('RHAs') listed in Appendix 9.3.7.3 in their entirety.[also specifically opposes Piko/Shand in covering letter][also discussed under Issue 10]		Reject
S834.337	Kainga Ora	Oppose the assessments supporting the identification of RHAs [and RHAIOs] as they predominantly focus on physical built form, and do not have sufficient consideration of historical values associated with the place.		Reject
S1053.1 and S1053.3	Jono de Wit	Oppose the Piko Crescent Residential Heritage Area [also discussed under Issue 10]		Reject

8.7.1 Dr McEwan states that Piko/Shand is the only state housing area in Christchurch included as an RHA out of several candidate [state housing] areas. This is because it has significant heritage value

as one of the most authentic, ‘fastidiously planned and carefully integrated’ of all the early state housing schemes in New Zealand. It is notable for its very comprehensive planning, which was tied to the “Garden City” design philosophy, including houses, street layout, reserves and tree planting, pedestrian walkways, corner store, plunket rooms and openness of the properties to the street. Dr McEwan states that its identification as a heritage area is entirely consistent with other scheduled state housing areas elsewhere in New Zealand. This includes Savage Crescent in Palmerston North (protected as a Conservation Area) and Hayes Paddock in Hamilton (protected as a Special Heritage Zone).

- 8.7.2 She also refutes the submitter’s claim that the predominant focus of the RHA was on ‘physical built form’ as the RHA report demonstrates that all heritage criteria have been addressed. She does state that the planning provisions necessarily address physical form as the RMA definition of “historic heritage”, is “those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures”.
- 8.7.3 There is further discussion of the other elements of Kainga Ora’s and Mr de Wit’s opposition to this RHA under Issue 10(d) following.

Recommendation

- 8.7.4 On the basis of the heritage values indicated by Dr McEwan for the Piko/Shand RHA, I recommend that **S834.333, S834.333, S834.335, and S834.337, S1053.1 and S1053.3** are rejected.

8.8 ISSUE 8 –LYTTELTON RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S289.3 and S289.4	Cody Cooper	Remove Lyttelton as a heritage area and instead pick a specific street or smaller area to designate as heritage.		Reject
S1078.1 and S1078.2	Julie Villard	Oppose the extent of the Lyttelton Residential Heritage Area. Seek that this be reduced.		Reject
S1083.1 and S1083.2	Lyttelton Port Company	Supports the extent of the Lyttelton Residential Heritage Area as notified.		Accept

- 8.8.1 In respect of the first two submissions, Dr McEwan states that this RHA gives effect to the Heritage New Zealand Pouhere Taonga (HNZPT) registration of Lyttelton as an “historic area”, in the context of the Council’s own understanding of the importance of Lyttelton as a port town. As noted in the section 32 for PC13 (paragraph 2.2.54), the Lyttelton Residential Heritage Area as notified differs from the HNZPT Historic Area covering most of the township by excluding the commercial,

industrial and port zonings within the town. In addition the more recent development at the uphill ends of many streets was excluded from the RHA as not having heritage significance.

8.8.2 S1078 also seeks that only defining and contributory buildings be included in the Lyttelton Heritage Area. This is discussed under Issue 12(a) below.

8.8.3 Recommendation

8.8.4 I recommend that S289.1 and S289.2, and S1078.1 and S1078.2 be rejected, and that S1083.1 and S1083.2 be accepted.

8.9 ISSUE 9 – REQUESTED ADDITIONAL RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S37	Suzanne Trim [Body of submission]	Mary Street and Rayburn Avenue in Papanui are more appropriate than Heaton St to be an RHA		Reject
S206.1	Emma Wheeler	[New Residential Heritage Area] Make both St James Avenue and Windermere Road category 1 Streets, protecting both the plaques, trees and the people that already enjoy and use these streets		Reject
S329.3 and S329.4	Dominic Mahoney	Perry Street should not be zoned for high density residential development on the basis of its historical heritage nature		Reject
S709.3	P Tucker and C Winefield	Windermere Road should be an RHA		Reject
S734.1 and S734.2; S1063.1 and S1063.2	Marie Byrne	Seeks that the Medium Density Residential area in Phillipstown Cashel Street to Ferry Road, Bordesley Street to Nursery Road be considered for a heritage area and subsequently a qualifying matter.		Reject
S755.4	Margaret Stewart	Add Woodville Street, St Albans		Reject
S1008.1 and S1008.2	Mark Winter	Retain a heritage [and character status] for Beverley Street.		Reject
S1016.4	Waipapa Papanui-Innes-Central Community Board	Include Dover Street (original workers' cottages of historical significance) in schedule.		Reject

S1041.1- S1041.3	Ruth Morrison	Keep the area around Paparoa St, Dormer St, Rayburn Ave and Perry St as a heritage area		Reject
S1088.1- S1088.3	Anton Casutt	Seeks that Scott Street, Sydenham is added to a Residential Heritage Area [or Character Area].		Reject
S1090.1	Waipuna Halswell Hornby Riccarton Community Board	Supports the Residential Heritage Areas but seeks that additional areas of Hornby, South Hornby, Sockburn, Hei Hei, Islington, and Broomfield be considered.		Reject
S1090.6	Waipuna Halswell Hornby Riccarton Community Board	Seeks a much larger Riccarton Heritage setting from Mona Vale to the Britten stables and war memorial at Jane Deans Close.		Reject
S1091.1 and S1091.2	Rosie Linterman	Seek that Beverley Street be included as a Residential Heritage Area.		Reject

8.9.1 In this section I do not cover Dr McEwan's comments on the Papanui War Memorial Streets (other than S709.3 and S206.1 for Windermere Street), since these are also covered by Ms Amanda Ohs and Ms Suzanne Richmond from the perspective of heritage items. Dr McEwan agrees that scheduling of the trees and plaques as a group is the most appropriate form of heritage protection. With regard to S1090.6 for Riccarton, Dr McEwan comments that it is not best practice to connect disparate heritage items which are already mapped and scheduled by applying a 'heritage setting' overlay to a suburb, or part thereof.

8.9.2 Rather than repeat the detail of Dr McEwan's comments on each of these proposed heritage areas, I will simply note that she has concluded that none of the areas suggested meet the criteria for being an RHA, for reasons such as that the extent of modification and redevelopment is too great. There is one possible exception, which is the area based around Ryan Street, which was not proposed in S734 by Marie Byrne, but adjoins the area she did suggest. As there are no submissions directly seeking that the Ryan Street area be made an RHA (it is already a character area) I have to conclude that such a new RHA would strictly speaking be out of scope, unless the Panel chooses to consider the possibility of a new RHA here anyway.

Recommendation

8.9.3 On the basis of advice from Dr McEwan, I must recommend that all of the submissions in the table above be rejected. Therefore S37, S206.1, S329.3 and S329.4, S709.3, S734.1 and S734.2, S755.4,

S1008.1 and S1008.2, S1016.4, S1041.1- S1041.3, S1063.1 and S1063.2, S1088.1-S1088.3, S1090.1, S1090.6, and S1091.1 and S1091.2, should be rejected.

8.10 ISSUE 10 – OPPOSITION TO THE CONCEPT OF RHAS, OR TO THE NUMBER OF RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S191.1 and S191.2	Logan Brunner	That proposed Residential Heritage Areas are removed		Reject
S242.20 and S242.21	Property Council of NZ	Given the scale of the proposal and introduction of 11 new residential heritage areas, we wish to highlight the importance of ensuring that Christchurch has sufficient development capacity. This can be achieved through enabling and encouraging greater height and density within high density zone precincts, town centres and metropolitan centres.		Partly accept
S695.22	Te Hapu o Ngati Wheke	Amend definition [of Māori Land] to enable definition to be applied in relation to chapter 14.8 Residential Banks Peninsula Zone.		Reject
S695.8, S695.11-S695.21	Te Hapu o Ngati Wheke	Amend all relevant RHA provisions, in Ch 9.3 Historic heritage, Ch 8 subdivision and Ch 14.8.3 area specific provisions in the Banks Peninsula Residential zone, to enable Rapaki runanga to develop ancestral land for papakāinga housing. Within the Lyttelton RHA, request that papakāinga housing be exempt from RHA rules including built form and minimum site size standards.		Partly accept
S699.1, S699.4, S699.8-S699.10 [RHA provisions]	Christ's College	Delete Qualifying Matter - Residential Heritage Area from the following properties <ul style="list-style-type: none"> • Armagh Street – Numbers 6, 14, 16, 20 and 22 • Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19 • Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave). 		Reject

S814.90 (part), S814.94- S814.99, S814.102- S814.104, S814.108- S814.110, S814.151, S814.163- S814.168.	Carter Group Ltd	Oppose all policies, rules, schedules and maps relating to RHAs, both in Chapter 9.3 and elsewhere in the Plan, and seek their deletion.		Reject
S823.83 (part), S823.131 – S823.135, S823.216 – S823.219, S823.221, S823.222, S823.225- S823.227, S823.231- S823.233	Catholic Diocese of Christchurch	Oppose all policies, rules, schedules and maps relating to RHAs, both in Chapter 9.3 and elsewhere in the Plan, such as Chapter 14.5, and seek their deletion.		Reject
S834.333, 834.334, S834.335	Kainga Ora	Oppose Residential Heritage Areas as listed in 9.3.7.3., and RHA matters of discretion [also discussed under Issue 7 Piko/Shand]		Reject
S877.6, S877.7, S877.24	Otautahi Community Housing Trust	Delete the Residential Heritage Area qualifying matter and any proposed provisions, including in Ch 14 MRZ area specific rules and in 14.3.f.i – how to apply rules.		Reject
S1009.1- S1009.3	Richard Abbey- Nesbit	The submitter supports limitation of heritage areas, including to promote better public transport options.		Reject
S1025.1 and S1025.2	Kristin Mokes	Reconsider adding so many more heritage sites - especially [in the] suburbs		Reject
S1030.1 and S1030.2	Paul Mollard	Remove any reference to residential heritage areas and make those areas subject to the same development rules as the rest of the city.		Reject
S1033.1- S1033.3	Sam Spekreijse	Oppose all heritage overlays for residential heritage areas.		Reject
S1038.1	Peter Earl	Oppose all heritage areas and requests Council stay in line with the government's policy direction for intensification.		Reject
S1048.1- S1048.16, S1048.19- S1048.36	Cameron Matthews	Strike out all rules or parts of rules as they relate to Residential Heritage Areas, particularly Lyttelton, Inner City West and Piko/Shand RHAs.		Reject

S1053.1 and S1053.3	Jono de Wit	Oppose the Piko Street Residential Heritage Area [because it is close to the Riccarton Road public transport corridor/future MRT line] [also discussed under Issue 7 Piko/Shand]		Reject
S1069.1 and S1069.2	Keri Whaitiri	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes.		Reject
S1069.3	Keri Whaitiri	Seeks that the full implications of the new 'Residential Heritage Areas' are disclosed and that these do not exceed the current provisions of the 'Residential Character Areas'		Reject
S1070.2	Danny Whiting [with regard to RHAs]	Delete/reject proposed amendments to definitions, policies, rules and assessment matters in PC13 and retain the status quo in respect of these provisions.		Reject
S1071.1, S1072.3 and 1073.2	Peebles Group Limited, Richard and Suzanne Peebles and 181 High Limited	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.		Reject
S1085.3	Duncans Lane Limited	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.		Reject

8.10.1 A number of submissions oppose the concept of RHAs, including the rules associated with them. I will address this more general group of submissions in opposition under seven sub-themes:

- a. RHAs do not appear to have any unique or distinguishing features, and they lack a strong evidence base. They impose arbitrary design and density restrictions and will prevent growth and change in their areas.
- b. Oppose amendments to heritage rules generally, since they represent greater regulation and resource consent requirements, and are inconsistent with Strategic Objective 3.3.2 on minimising consent processes, and Heritage Objective 9.3.2.1.1, which seeks to enable and support: 'A. the ongoing retention, use and adaptive re-use; and B. the maintenance, repair, upgrade, restoration and reconstruction; of historic heritage'.

- c. RHAs do not meet the requirement of s6(f) to be of national significance, and Council has conflated special character and heritage.
- d. The benefits of more housing outweigh the benefits of retaining existing housing, and RHAs are not an efficient use of land. Some of the RHAs are in locations which are close to centres or near public transport corridors and are ideally located for further intensification.
- e. An RHA overlay over Christs College is inconsistent with the SP School zone.
- f. RHAs are based on colonial heritage values and come from a position of privilege and bias.
- g. Concern that RHA provisions for Lyttelton will further constrain Rāpaki runanga in their aspirations to develop ancestral land for papakāinga housing within the Lyttelton RHA.

8.11 ISSUE 10(A): RHAS DO NOT HAVE ANY UNIQUE FEATURES

- 8.11.1 I do not agree with or accept the view that RHAs do not appear to have any distinguishing features, or are not significant enough to be given an effective indefinite exemption from intensification. These submitters (S1030.1 and S1030.2, and S1033.1- S1033.3) may not have read any of the background heritage reports which set out these features. All of the RHAs have a strong heritage story associated with them, and they have been carefully defined based on the criteria set out in paragraph 6.1.6. Most of them are relatively small in extent. A large number of potential RHAs were discounted as not being sufficiently coherent and intact, so that those that remain are in fact significant examples of our City's residential history.
- 8.11.2 It is important to consider RHAs in the NZ context, where, as I have noted above in paragraph 6.1.8, there is always variability in housing age and design within small areas. This has to do with the small, often relatively narrow and rectangular sites that we usually have, and the fact that in older areas of our cities there are very few areas which were developed in a very similar style, and/or at the scale of whole blocks, as often occurs in the UK with rows of attached dwellings. The concept of residential heritage areas is indeed relatively new in New Zealand, possibly due to this general lack of uniformity, although provision for the protection of historic areas from inappropriate subdivision and development has existed in section 6 of the RMA for some decades. Some local authorities have in the past used the heritage area concept for suburban shopping centres, but its use for residential heritage "landscapes" is generally more recent.
- 8.11.3 The basis for proposed design (built form) and density standards in RHAs is set out in paragraphs 6.2.9 and following paragraphs above. Character Area modelling work was based on existing built form in the areas, so to that extent RHA built form and density standards do seek to maintain existing built form so far as possible. It is important however to appreciate that a restricted discretionary activity consent does not prevent change, and in fact very few restricted discretionary consents are declined by Council - generally less than 1%. (See Footnote 1 above).

They may however be granted subject to conditions and the consent process may entail some negotiation over how best to enable change, while still being sensitive to the heritage values of the area. I also note above at paragraph 6.2.7 that new buildings in the areas would not be required to be carbon copies of the previous buildings on that site, but only broadly respond to the identified heritage “characteristics” of an area, without replicating the details of the building being replaced.

8.12 ISSUE 10(B): RHAS REPRESENT GREATER REGULATION

8.12.1 The principle of minimising consent processes is sound, but the argument that this should be done in every situation is an oversimplification. In the District Plan review considerable simplification did occur, for example through the addition of many more permitted activities (albeit with some standards) and most consent activity statuses were reduced to restricted discretionary. However there were also new regulation and consent requirements introduced where merited, and in response to changing circumstances such as in respect of natural hazards. In this case with the extensive loss of heritage that occurred in the Canterbury earthquakes, there is a good argument that what is left is relatively more significant than previously. In my view this does apply to residential heritage areas since so many potential areas have already had their heritage values eroded.

8.12.2 In respect of Objective 9.3.2.1.1 Heritage, the objective is not just about facilitating use and reuse, restoration and reconstruction. The “trunk” part of the objective is about maintaining the overall contribution of historic heritage to the Christchurch District’s character and identity through the “protection and conservation” of significant historic heritage. Many objectives contain several elements which must be considered together and they should be considered in their entirety.

8.13 ISSUE 10(C): RHAS DO NOT MEET SECTION 6(F) AND CONFLATE CHARACTER AND HERITAGE

8.13.1 Plan Changes 14 and 13 for Christchurch’s District Plan do not conflate special character and heritage (S877.6 and S877.7). I explain in section 6 above how the two concepts have been separated in Christchurch, with separate RHAs and Character Areas being identified based on different criteria and assessment. If the two were truly conflated these two sets of areas would match exactly or there would be only one set. While there is some overlap between some of these areas in terms of built form and streetscape (the remaining physical expression of heritage values), some character areas have no coherent history and some heritage areas do not have a particularly coherent character.

8.13.2 It is incorrect to state that RHAs have to be of national significance under section 6 (f) of the RMA. If that were the case in regard to sites, Christchurch would not have any scheduled buildings or items over and above those listed by Heritage NZ and would not have maintained them in the

schedule in the District Plan and preceding plans for decades. Historic heritage itself and its protection from inappropriate use is a matter of national importance, but it is perfectly legitimate for sites and areas to be identified on the basis of their regional or local significance. This is not to say that it is not important for the scheduling process to be robust and transparent, and for all scheduled items and areas to meet the identified criteria. The submitters have not raised any specific concerns with the identified criteria.

8.14 ISSUE 10(D): THE BENEFITS OF MORE HOUSING OUTWEIGH THE BENEFITS OF RETAINING EXISTING HOUSING

8.14.1 The benefits of more housing/intensification close to centres and public transport corridors do need to be, and were, weighed in the balance in deciding whether particular areas should be RHAs. (S242.20 and S242.21). The City has more than enough development capacity outside of RHAs, with this development capacity discussed in the s42A evidence of others. Kainga Ora and Mr de Wit state that the benefits of providing a greater number of houses for the most vulnerable members of society, are greater than retaining the character [heritage] associated with existing housing - this in respect of the Piko/Shand RHA.

8.14.2 I do note the requirements of Objective 3 of the NPS-UD for district plans to enable more people to live in areas of the urban environment which are: a) in or near a centre zone or other area with many employment opportunities; b) well-served by existing or planned public transport; or c) where there is comparatively high demand for housing in the area. This is reflected in Policy 3 which requires that Councils provide for intensification within and adjacent to centres such as Riccarton. However, I also note that Objective 1 is well-functioning urban environments that enable people and communities to provide for their social, economic and cultural well-being. Retention of RHAs, will contribute to Objective 1 of well-functioning urban environments that provide for the well-being of communities. RHA provisions still allow for these parts of the urban environment to develop and change over time (Objective 4), but in a way that is compatible with the underlying values of these areas.

8.14.3 I draw attention to the *Policy for Government Management of Cultural Heritage Places* which the Ministry of Culture and Heritage published in December 2022 and which came into effect on 1 February 2023. It sets expectations for state sector agencies (including Kainga Ora, as a Crown entity) on how to conserve cultural heritage places in their care and manage them efficiently by ensuring that heritage is identified and considered at key points during the property management “life cycle”. It includes Policy 9 which I quote in part:

“Government agencies will support initiatives to publicly recognise the values of cultural heritage they manage. For example:

- *inclusion on a regional or district plan heritage schedule*

- *listing under the Heritage New Zealand Pouhere Taonga Act 2014....”.*

- 8.14.4 Kainga Ora (**KO**) currently owns only 19 properties out of around 100 properties in the RHA with buildings, in an area which was once wholly state housing. This is around a fifth of the properties in the proposed Piko/Shand RHA, with the KO properties sprinkled around the area, including groups of two storey flats around Shand Crescent. They have already redeveloped a site adjoining but outside the Piko/Shand RHA on Riccarton Road where around twenty one-bedroom units are now being provided, and another site within the proposed RHA at its southern edge, which Dr McEwan has stated has been developed largely in sympathy with the style and typology of the original state houses and flats (in other words, it is possible to do this). The Otautahi Community Housing Trust (**OCHT**) also make the point about more houses outweighing retaining heritage houses, especially within and adjacent to the central city, but are not specific about where they do own properties in any of the RHAs or how many.
- 8.14.5 Dr McEwan has attested to the significant heritage values of the Piko/Shand area as one of the most authentic, ‘fastidiously planned and carefully integrated’ of all the early state housing schemes in New Zealand (see discussion under Issue 7 above in relation to its identification and assessment). In my view if the need for intensification in all relevant residential zones were always to trump heritage, then no heritage areas would survive. I consider that protecting the most significant of these “heritage landscapes” is part of the purpose of heritage being a qualifying matter under the NPS-UD and amended RMA.
- 8.14.6 Mr Philip Osborne has argued (in his Property Economics report on PC13) that the loss of development capacity in the RHAs proposed is wholly mitigated by extensive development capacity provided elsewhere in accessible and efficient areas. I accept that the Piko/Shand RHA area is favourably situated for intensification and that landowners such as Kainga Ora only own land in specific locations. As noted, some redevelopment of KO sites has already occurred both just within and just outside the boundaries of this RHA. I do note that the KO landholdings in the Emmett Street area are also relatively accessible and near a town centre (albeit that The Palms is at a lower order in the commercial hierarchy than Riccarton) and this area has been proposed for redevelopment for decades, but this has not occurred.
- 8.14.7 I am aware that Mr Ike Kleynbos has recommended acceptance of a submission from Ministry of Housing and Urban Development seeking that the walkable catchment around the (larger town centre) Riccarton be increased from 600m to 800m, which would potentially extend HRZ zoning westwards in the general area of Piko/Shand. There is also a submission from Christchurch International Airport Limited seeking revision of the 50 dB Ldn Air Noise contour Qualifying Matter so that it would cover more of the Riccarton area including Piko/Shand, which is being reported on by Ms Sarah Oliver. I understand that if accepted by the Panel, the result would be that this area would be kept at the operative RSDT zoning with no additional intensification provided for. I am

still of the opinion that the Piko/Shand area deserves protection as an RHA under S6(f) of the RMA. There is nothing new in having to weigh up the scale and significance of competing considerations under Part 2 of the RMA, and a National Policy Statement is still an instrument under that Act.

8.15 ISSUE 10(E): AN RHA OVER CHRISTS COLLEGE PROPERTIES IS INAPPROPRIATE.

- 8.15.1 S699 states that having an RHA overlay over Christs College properties to the east of Rolleston Avenue is inconsistent with the SP School zone and its aim of enabling education providers to efficiently develop their land and buildings for education activities. Firstly I need to point out that I was the author of the Specific Purpose School zone subchapter in the operative District Plan and also revised the SP School zone provisions for PC14.
- 8.15.2 Christs College is the only school which has properties in an RHA Overlay (Inner City West RHA), apart from Cathedral Grammar which has one property at 17 Armagh St in that same overlay. The submission identifies Christ's College's landholdings as including a large proportion of the two city blocks north of the Arts Centre. Dr McEwan's evidence states that the properties in question make a significant contribution to the heritage values of the area and exclusion of these properties from the RHA would be inconsistent with the heritage methodology and criteria applied by the Council. She also says that the school is directly associated with the heritage values of the RHA, and that the characterisation of the RHA as featuring 'small detached Victorian dwellings' is not accurate and fails to take account of the variety of residential typologies throughout the RHA. I agree and do not consider that the predominant character of this RHA is small dwellings but rather large two storey dwellings, with some dwellings of more than two storeys, including the three storey Flower's House, the only college hostel outside of its main grounds. Apart from this rebuild, the School appears to have been able to adequately accommodate its spillover functions in the properties it owns on this eastern side of Rolleston Avenue, without significant modification to date. I acknowledge that this may not always be the case, and there may be a need at some point for some larger school buildings in this area.
- 8.15.3 The SP School zone was designed to allow some flexibility for growth and change in school buildings, and certainly the PC14 School zone provisions emphasise this by providing for considerable intensification potential within the High Density Residential zone. There has however been a mistake in Chapter 13.6 in that the alternate zone for the properties east of Rolleston Avenue ought to have been changed in line with the decision to zone all RHAs as Medium Density Residential zone. The intention of zoning RHAs as MRZ is of course to reduce the pressure that HRZ zoning would put on the properties to be redeveloped to reflect greater development opportunity and potentially higher land values. S699 supports HRZ zoning for the school properties east of Rolleston Avenue. Ms Clare Piper's evidence discusses these submissions.

- 8.15.4 The submitter also opposes the proposed amendments to Policy 9.3.2.2.8 as this is stated to subject buildings in heritage areas to the same tests as a listed item. I acknowledge that over the years there has been considerable effort made by the school, and time and money spent in meeting heritage requirements for the main campus west of Rolleston Avenue, where many of the buildings are scheduled buildings because of their quality and history. The school has ultimately been able to redevelop several blocks on that campus, which I consider demonstrates that the rules for heritage items are effective in protecting heritage values while still enabling appropriate development to occur. I discuss the statement that buildings in RHAs are subject to the same tests as scheduled items under Issue 12 (b) below, where I recommend some amendments to Rule 9.3.6.4 Matters of Discretion for RHAs.
- 8.15.5 Part of the wording of Objective 13.6.2.1 for the SP School zone is quoted on p6 of the submission (the zone seeks to enable education providers to efficiently use and develop their land and buildings for education activities”). The objective needs to be quoted in full however, as the outcome quoted needs to occur while “recognising and enhancing the contribution of education buildings and sites to the character of neighbourhoods”. Development of school sites within RHAs is intended to be controlled by Chapter 9.3 Historic Heritage, so it is intended that the built form standards for RHAs in the MRZ zone do not apply, although they could be seen as a guide. The matters of discretion for assessing new buildings in RHAs are relatively extensive and should provide the ability to take account of varying circumstances. I do not consider that having the RHA applying to school buildings is necessarily “inefficient”, as the school buildings on the eastern side of Rolleston Avenue do contribute significantly to the historic character of the neighbourhood, and restricted discretionary consents will not prevent all development.

8.16 ISSUE 10 (F): RHAS ARE BASED ON COLONIAL HERITAGE VALUES

- 8.16.1 I do agree that RHAs can be seen to be based on “colonial heritage values”, since they provide significant examples of residential development in Christchurch only since the 1850s, but the heritage reports for each area do include the known Māori history of each area. More importantly, Māori heritage values are also dealt with specifically in Chapter 9.5 of the District Plan – Ngāi Tahu values and the natural environment. This includes schedules and aerial maps of sites and areas of Ngāi Tahu cultural significance.

8.17 ISSUE 10(G) RHA PROVISIONS IN LYTTELTON WILL FURTHER CONSTRAIN PAPA KĀINGA HOUSING.

- 8.17.1 The submission seeks firstly at S695.22 that the provisions of Chapter 12 of the District Plan for Māori land, which currently apply only in the five areas of Papakāinga zoning, to Māori land and other general land owned by Māori (by virtue of the definition of Māori Land as revised by Plan Change 8), be able to be applied in the Banks Peninsula Residential zone (RBP), for example

Lyttelton. This would facilitate the development of papakāinga⁴ (grouped housing, often on multiply owned land) in locations other than immediately adjoining marae, including in urban locations. The Māori land provisions of Chapter 12 are considerably more liberal in terms of permitted activity listings, density and built form rules, than standard residential zones or even the revised RBP zone under Plan Change 14. Without these Māori land rules, a plan change or resource consents would very likely be necessary to establish a papakāinga in a residential zone, because of the number of units likely on a site and the resulting density.

- 8.17.2 Secondly, the concern in the submission is that the proposed RHA rules are less enabling than those in the MDRS/MRZ zones, and by introducing additional resource consent requirements, RHAs would make it more difficult to achieve a papakāinga development in an urban residential zone. This may be correct, but in my view a (site specific) plan change or resource consents would almost certainly be necessary anyway, with or without an RHA. I understand that there have been preliminary discussions with Council about the possibility of a further plan change to extend the Papakāinga zone/Plan Change 8 provisions elsewhere, for example to other smaller areas of rural Māori land outside the Papakāinga zones and to urban areas. Plan Change 14 also includes a proposed change to the Strategic Directions Chapter in Objective 3.3.4, which refers to providing for a range of housing opportunities, including papakāinga/kāinga nohoanga housing, including within the urban area and on Māori land. This expresses a Council intention but is not yet reflected in amended Plan provisions for kāinga nohoanga in urban zones. I understand that Ngāi Tūāhiriri also seek an urban Kāinga Nohoanga zone within Christchurch City.
- 8.17.3 I am aware that there are at least two papakāinga developments in the City, albeit established via resource consents. My view is that at this time it would be better to advance the cause of an urban Kāinga Nohoanga zone more generally, rather than attempt a rather awkward set of exemptions to RBP zone provisions for the Lyttelton RHA. The local runanga Ngāti Wheke have purchased the former Lyttelton West School site on Voelas Road in Lyttelton as a potential papakāinga site. It still has a Specific Purpose School zoning, with an alternative zoning of RBP. If an urban papakāinga zone can be achieved here or more generally in the District, that would be the time to consider in more detail its interaction with other planning provisions such as RHAs.
- 8.17.4 I also understand that Mr Ike Kleynbos for Council intends to recommend that Lyttelton township be rezoned to MRZ with a Suburban Density Precinct over it. The MRZ zone already covers the remaining 10 of the RHAs with site specific rules in Rule 14.5.3, and these, or the general MRZ rules in Rule 14.5.2, may be able to be adapted for papakāinga developments. Some of the built form standards are likely to need to be modified, e.g. density, height, outdoor living space etc. I consider that using the MRZ zone as an initial starting point for developing provisions for papakāinga in

⁴ Termed kainga nohoanga by Ngai Tahu

Lyttelton would be more appropriate than starting with the Papakāinga/Kāinga Nohoanga zone. The latter has been designed for Māori Land and other land owned by Māori in (rural) Māori Reserve areas and includes a much wider permitted activity list than might be appropriate in an urban area, in order to facilitate an economic base for those rural zones.

- 8.17.5 The first steps towards making provision for urban papakāinga would be to ensure that residential objectives and policies enable papakāinga as a housing type. I leave this matter to Mr Kleynbos. It would also be worthwhile to ensure that the Matters of Discretion as they apply to proposals in Residential Heritage Areas which are within the MRZ zones, consider the possibility of papakāinga being proposed within these zones via consent applications, ahead of the future development of more tailored provisions for papakāinga. The Matters of Discretion for RHAs are within the heritage chapter at Rule 9.3.6.4, rather than in residential chapters. Rule 14.5.3.1.3 RD15 which covers developments in RHAs which are within the MRZ zones, points to these matters of discretion at Rule 9.3.6.4. I recommend that this rule be amended by adding the words “or is to be used for papakāinga/kāinga nohoanga” into matter of discretion (e) so that it reads:

“Whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakāinga/Kāinga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga.”

- 8.17.6 I therefore recommend that **S695.22 be rejected** and that **S695.8, and S695.11-S695.21 be partly accepted**, to the extent that the words “or is to be used for Papakāinga/Kāinga Nohoanga” be inserted into matter of discretion (e) in Rule 9.3.6.4.

Overall Recommendation for Issue 10

- 8.17.7 I recommend that all of the following submissions be rejected: S191.1 and S191.2, S242.20 and S242.21, S695.22, S699.1, S699.4, S699.8-S699.10, S814.90 (part), S814.94- S814.99, S814.102-S814.104, S814.108, S814.110, S814.151, S814.163-S814.168 , S823.83 (part), S823.131 – S823.135, S823.216- S823.219, S823.221, S823.222, S823.225-S823.227, S823.231-S823.233 , S834.333, S834.334 and S834.335, S877.6, S877.7, S877.24, S1009.1-S1009.3, S1025.1 and S1025.2, S1030.1, S1030.2, S1033.1 -S1033.3, S1038.1, S1048.1- S1048.16, S1048.19-S1048.36, S1053.1 and S1053.3, S1069.1-S1069.3, S1070.2, S1071.1, S1072.3 and 1073.2, S1085.3, for the reasons set out in the discussion above. I am not persuaded that it is necessary to change PC14/13’s approach to RHAs as a concept, or to delete particular RHAs.
- 8.17.8 I recommend that S695.8, and S695.11-S695.21 be partly accepted, to the extent described above, and that S242.20 and S242.21 also be partly accepted.

8.18 ISSUE 11 – SUPPORT RHAS/SEEK MORE RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S145.18	Te Mana Ora/Community and Public Health	Te Mana Ora supports the protection of Residential Heritage Areas and recognises the need to balance housing development with protecting areas of cultural heritage and identity.		Accept
S193.8, S193.10, S193.15, S193.16- S193.19, S193.25- S193.28	Heritage New Zealand Pouhere Taonga (HNZPT)	Retain definitions of defining, contributory, neutral and intrusive buildings as proposed. Retain RHA policies, rules and matters of discretion as proposed.		Accept
S225.5	Michael Dore	The history, character and heritage of our city of Christchurch should be protected at all costs		Accept
S404.1	Lawrence Kiesanowski	Support plan change provisions to protect historic heritage areas.		Accept
S428.3	Sarah Wylie	Support the protection of heritage areas		Accept
S700.1- S700.3 and S700.6	Hilary Talbot	[Re: Englefield Heritage Area] Support the creation of the Heritage Area [and the continuation of the character area] with more stringent controls		Accept
S737	Christian Jordan	[point on HAs not coded] Further heritage areas need to be assessed and created across the city to protect Christchurch's remaining built history.		Accept
S755.4	Margaret Stewart	Retain Heritage areas		Accept
S835.20	Historic Places Canterbury	The submitter welcomes the addition of 11 Residential Heritage areas and their inclusion as Qualifying Matters.		Accept
S885.3, S885.4, S885.6, S885.7	Peter Dyhrberg	Retain the proposed Residential Heritage Areas and rules relating to them		Accept
S1019.1 and S1019.2	Julie Florkowski	Supports the Residential Heritage Areas of Otautahi, Christchurch (specifically, Alpha Avenue).		Accept
S1020.2 and S1020.3	Chris Florkowski	Support Residential Heritage Areas of Otautahi, Christchurch, which deserve special protection		Accept

S1026.1	Maxine Webb	The submitter supports the heritage areas as a qualifying matter and is of the view that they should have a wider extent to protect the character of Christchurch.		Accept
S1077.1	Waihoru Spreydon-Cashmere-Heathcote Community Board	Supports the addition of the MacMillan Avenue and Shelley/Forbes Street Residential Heritage Areas.		Accept

- 8.18.1 A group of submissions supports the proposed RHAs. This is generally on the grounds, as expressed by Heritage NZ Pouhere Taonga, that *“this will provide an important new layer of protection for these neighbourhoods with heritage values. Christchurch has a wealth of history which plays an important role in generating a feeling of identity and wellbeing”*. Te Mana Ora (Community and Public Health) supports the protection of Residential Heritage Areas but also recognises the need to balance housing development with protecting areas of cultural heritage and identity.
- 8.18.2 Some submissions seek that “further heritage areas need to be assessed and created across the city to protect Christchurch’s remaining built history”. 11 submissions making specific suggestions for where such further heritage areas should be, are discussed under Issue 9 above. One submission also states that “after a period of such great loss following the Christchurch earthquakes, far greater effort needs to be made to preserve the best of what remains”.
- 8.18.3 There are also a few submissions which support RHAs where they help prevent the development of high density housing ie as a Qualifying Matter. Some RHAs receive specific support on their own merits eg Chester St East, Macmillan Avenue RHA, Shelley/Forbes RHA and Englefield RHA.
- 8.18.4 I recommend that this group of submissions (S145.18, S193.8, S193.10, S193.15, S193.16-S193.19, S193.25- S193.28, S404.1, S428.3, S700.1, S700.3 and S700.6, S737.4, S755.4, S835.20, S885.3, S885.4, S885.6, S885.7, S1019.1, S1019.2, S1020.2, S1020.3, S1026.1, S1077.1) be accepted, as they support the concept of RHAs as proposed in PC14/13, in order to help conserve significant examples of Christchurch’s remaining built history.

8.19 ISSUE 12 – AMEND RHA RULES SO THEY ARE LESS RESTRICTIVE

Sub. No.	Submitter name	Summary of relief sought [<i>copy from the summary of submissions table</i>]	Further submissions	Recommendation
S519.7, S519.22-S519.24, S519.26	James Carr	Adopt MDRS height rules and recession plane rules in RHAs, to provide for taller villas and two storey Victorian villas and Arts and Crafts houses to be altered, but apply stricter limits on site coverage and setbacks to work with the existing streetscape.		Reject
S700.7	Hilary Talbot	The drafting of these rules should be reviewed to see if a more nuanced approach to buildings in heritage areas is appropriate.		Partly accept
S1003.1 and S1003.6	Melissa Macfarlane	Delete Rule 9.3.4.1.3 RD6 entirely or if Residential Heritage Areas remain included in the proposed plan, include a more appropriate and targeted rule, eg only apply it to new buildings greater than 30m ² or the alteration of defining or contributory external building fabric by more than 35%. Delete 9.3.6.4 or amend 9.3.6.4 to remove matters that focus on the dwelling itself (which is not individually listed) and target the assessment to impacts on the wider residential heritage area.		Partly accept
S1003.4	Melissa Macfarlane	Amend the definition of 'Heritage fabric' to exclude 'heritage area' or exclude heritage area buildings that are not defining or contributory.		Reject
S1003.11-S1003.13	Melissa Macfarlane	Delete references to RHAs in Policies 9.3.2.2.3, 9.3.2.2.5 and 9.3.2.2.8. Instead include a new fit for purpose targeted policy for residential heritage areas that focuses on impacts on the recognised values of the area, i.e. interwar Californian bungalows.		Partly accept
S1003.8	Melissa Macfarlane	Amend rule 14.5.3.2.8 (b)(i) to apply a minimum 6m setback for all buildings.		Partly accept
S1003.9	Melissa Macfarlane	Amend Rule 14.5.3.2.3(b)(v)(b) to enable 2 storey buildings.		Reject

S1003.10	Melissa Macfarlane	Amend Rule 14.5.3.2.8(c)(ii) so that it only applies to residential dwellings and not accessory buildings. Accessory buildings will need to comply with the standard zone provisions for boundary setbacks.		Reject
S1003.16	Melissa Macfarlane	Amend Rule 14.5.3.1.3 RD14 so that it only applies to the demolition or removal or relocation or erection of a building greater than 30m ² .		Reject
S1017.2 and S1017.4	Jayne Smith	Supports Residential Heritage Areas but has some concerns regarding the ability to make alterations to the exterior of their property for sustainability and other reasons.		Partly accept
S1036.1	Emily Arthur	Amend RD7 so that consent is not required to demolish a contributory building in a Residential Heritage Area.		Reject
S1036.2	Emily Arthur	Remove the mandatory 1m from one boundary and 3m from the other on new builds. Allow houses to be built closer than 1m or 3m from property boundaries if that was the way the one being removed was constructed.		Reject
S1036.3	Emily Arthur	Allow up to 70% site coverage on a site by site basis rather [than] having a blanket rule of 40%.		Reject
S1048.17, and S1048.18	Cameron Matthews	Strike out all rules or parts of rules as they relate to RHA's and Heritage Areas,[see Issue 10] including definitions of Contributory and Defining Buildings		Reject
S1069.1 and S1069.2	Keri Whaitiri	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes.		Reject
S1078	Julie Villard	[Points not coded]. Limit RHA in Lyttelton to defining and contributory sites. Neutral sites do not have any architectural significance or historical values		Reject

8.19.1 A group of submissions seek to amend RHA rules so that they are less restrictive. I will discuss them under the following subthemes:

- a. Remove defining/contributing or neutral categories for RHAs from the Plan
- b. Complaints that RHAs have the practical effect of listing/scheduling buildings
- c. Demolition policy and rules
- d. Increase height limits for buildings in RHAs eg taller and two storey villas and Arts and Crafts houses, to allow for sympathetic alterations.
- e. Road setback wording unclear, and internal boundary setbacks and maximum coverage too restrictive
- f. RHAs should provide for improvements for sustainability reasons without consents.

8.20 ISSUE 12 (A): REMOVE DEFINING/CONTRIBUTING OR NEUTRAL CATEGORIES

- 8.20.1 Several submitters, including S814 and S823 discussed under Issue 3 above) have sought to remove categories from the four categories ranking system for RHAs. Two submitters (S1048.17 and S1048.18 and S1069.1 and S1069.2) seek the removal of defining and contributing categories. Dr McEwan notes at her paragraph 20 that these categorisations have two outcomes or uses; first; to establish whether a potential area accommodates a sufficient number of Defining and Contributory elements to embody significant heritage values and, secondly, to provide the basis for a nuanced planning response to facilitate the ongoing protection of heritage values. As the Defining and Contributory categories are those that define the heritage values of the area, removal of these categories would, I consider, disable this system as it would not allow for either of these purposes. As Dr McEwan states, without definitions the ratings would be vague, because they would offer no direction to owners or the Council as to the justification for an RHA, and create uncertainty around the implementation of the planning framework.
- 8.20.2 Removal of neutral sites from the RHAs, as S1078 has sought for the Lyttelton RHA, is a suggestion which is worthy of further consideration. S1003.4 also seeks the removal of neutral and intrusive sites from RHAs, as an alternative to removing those categories from the definition of heritage fabric, so that they would not be caught by Rule 9.3.4.1.3.RD1 alteration to heritage fabric. My recommendation under Issue 13(b) to amend RD1 to clarify that it does not apply in RHAs, resolves the latter option, but does not address the issue of removal of neutral or intrusive sites, which I will discuss below.
- 8.20.3 Lyttelton has a large number of neutral sites – these are mostly those where there have been rebuilds in recent years or where there are modifications to the original style of the building which may not be in keeping with the heritage values of the building or area. The planning provisions for neutral buildings are that they may be demolished without consent, as they do not contribute to heritage values. However if these buildings are demolished, it is proposed that there be a restricted discretionary (RD) consent to rebuild on that site in order to assess whether the proposed new

building is compatible with the heritage values of the area. Putting aside the possibility of existing use rights allowing for a same or similar rebuild, this implies that a new building has the potential to contribute to the integrity and authenticity of an area, and enhance the heritage values of the area.

8.20.4 Removal of neutral sites from the RHA or effectively from the need for an RD consent for rebuilding would negate the possibility of “heritage enhancement”⁵ of an area for at least this chunk of buildings, allowing “anything” to be built, which could even result in buildings which detract from the heritage values of the area. This would also put extra reliance on rebuilds or replacements of defining and contributory buildings not to degrade the heritage values of the area. It would leave widespread holes in the Lyttelton RHA rule coverage (see this RHA map at Appendix 9.3.7.8 where the yellow sites would become white) and to varying extents, holes in other RHAs, which would likely undermine the community’s understanding of and clear identification of RHAs. Neutral buildings are not holes, because while there would be no need for consent to demolish these, new buildings on these sites would need a consent to ensure that they are sympathetic to the character of the area.

8.20.5 The same argument applies to intrusive buildings i.e. that there is a potential for heritage enhancement, particularly through rebuilding. Intrusive sites which are vacant also offer this potential.

8.21 ISSUE 12(B): RHAS HAVE THE PRACTICAL EFFECT OF SCHEDULING BUILDINGS

8.21.1 Submission 1003.1 and S1003.11-1003.13 state in regard to the amended Policies 9.3.2.2.3, 9.3.2.2.5, and 9.3.2.2.8 which include heritage areas, Rule 9.3.4.1.3 RD6 for new buildings or alterations to buildings in heritage areas, and Rule 9.3.4.3 Matters of discretion for heritage areas, that these provisions have the practical effect of scheduling all the buildings in residential heritage areas, as they apply the same policy tests and also apply to all buildings on a site (and to the setting, although that word is not used in these provisions). The submission at S1003.6 seeks that the Council target the RHA provisions to impacts on values of the wider area and not of the individual defining or contributory building. It also states that clauses in the matters of discretion on the retention and integration of existing building fabric, form and appearance and heritage values (viii); the methodologies used in undertaking the works including temporary protection measures (ix); the heritage values of the building (x); and whether Heritage NZ has been consulted (d) are not relevant [to the impact on the values of the wider area].

⁵ Policy 9.3.2.2.3 b.ii refers to conserving and wherever possible enhancing the authenticity and integrity of heritage items, settings and areas.

8.21.2 It is not the intention for individual buildings in RHAs to have the same status as scheduled buildings (unless those individual buildings in the RHAs are in fact scheduled, and there are some of these, particularly in Lyttelton). Rather the area is scheduled as a whole, so the area as a whole effectively has the same status as individual scheduled buildings. The initial drafts of the matters of discretion did in fact mention only collective values, but it soon became clear that there also needed to be wording addressing the values of individual defining and contributing buildings, otherwise the remaining values of the RHA could easily be progressively degraded over time. Above, I have discussed the need for the same restricted discretionary status as that which applies to alterations to scheduled buildings. While Council's heritage team do not consider controlled activity status to be acceptable, and neither do I, there are not enough activity classes available to distinguish between two levels of restricted activity status, that for scheduled and that for unscheduled buildings.

8.21.3 I do agree with the submitter that there is already potential confusion between the status of scheduled buildings and unscheduled buildings within RHAs. I consider that the most appropriate way forward is to make some modifications to the matters of discretion for new buildings and alterations within RHAs, so that it is clearer that there is intended to be a primary focus on the collective values of the heritage area, with only a secondary focus on individual buildings.

8.21.4 I recommend amendments to the wording of Rule 9.3.6.4.a. as follows:

Whether the proposal is consistent with maintaining or enhancing ~~the heritage values of the building, fence or wall, and primarily~~ the collective heritage values and significance of the heritage area, and ~~secondarily the heritage values of the building, fence or wall, in particular~~ having regard to the following matters of discretion where applicable:

8.21.5 I agree with the submitter that it would be appropriate to delete the following matters of discretion from Rule 9.3.6.4:

~~(ix) the methodologies to be used in undertaking the works including temporary protection measures;~~

~~And (d) Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.~~

8.21.6 This is because I consider these matters of discretion are too onerous for unscheduled buildings. Given that there are 1347 buildings in RHAs at present, and although only a small proportion of these will be subject to development proposals every year, a requirement to consult Heritage NZ is likely to add undue delay to the process.

8.22 ISSUE 12(C): DEMOLITION POLICY AND RULES

- 8.22.1 Several submitters e.g. S1036.1 and some of the submitters under Issue 10 question the need for a consent for demolition of defining and contributory buildings. S1036.1 states that Contributory buildings should not be subject to a resource consent for demolition if rebuilding is in line with the character of the street.
- 8.22.2 I do not think it is appropriate to remove the need for any demolition consents, as that would provide free rein for people to remove the buildings which collectively make up the heritage values of the area, and for those values to be rapidly degraded. There is still a difference in consent status between scheduled buildings or items, where demolition of a highly significant building or item is a non-complying activity, and of a significant building is a discretionary activity, and demolition of defining and contributory buildings in an RHA, which is proposed as a restricted discretionary activity i.e. demolition has a less onerous consent process in an RHA. However, it is likely that many people assume that needing a consent for demolition means that demolition will automatically be refused, which is not necessarily the case, particularly for contributory buildings. This is because the policy for demolition in RHAs (the amended Policy 9.3.2.2.8) does provide the same safeguards against Council “unreasonably refusing demolition” as for scheduled buildings, for example considering the extent of the work required to retain or repair the heritage item, and considering whether the costs to retain the heritage item or building, particularly as a result of damage, would be unreasonable. The new matters of discretion in Rule 9.3.6.5 also refer to extent of damage and costs to retain.
- 8.22.3 I agree with the general intent of the latter submission, however one issue is that demolition and rebuilding do not necessarily occur at the same time. At the point of demolition or proposed demolition, the replacement building may not have been designed or plans put into Council for consent, so Council has no certainty that the replacement will be “in line with the character of the street”. Also, if the need for and circumstances of proposed demolition of a building are not looked at separately and prior to rebuilding proposals, it would be harder for Council to argue for heritage retention and easier to demolish buildings, and over time there could be a considerable decrease in the overall heritage quality of the area. This also runs the risk of “first in, first served” in terms of cumulative effects on the area.
- 8.22.4 I did consider whether it would be possible for consent applications for both demolition and replacement to be submitted together, to speed up the process. This can occur now (without a rule to require it) in other words the two parts of such a “combined consent” can be staged, so that the applicant does not have to waste time and effort fully developing rebuild plans if a demolition consent ends up not being granted. The other risk to applicants is that Council may approve the demolition, but not be happy with the design of the new building.
- 8.22.5 In the end I do not recommend any change to Rule 9.3.4.1.3.RD7. I recommend that S1036.1 is rejected.

8.23 ISSUE 12 (D): INCREASE HEIGHT LIMITS FOR BUILDINGS IN RHAS

- 8.23.1 S519.7 makes the point that older NZ houses are often taller than their modern counterparts, for example taller one storey villas and two storey Victorian villas and Arts and Crafts houses may be between 8 and 11m tall. The submission states that it is hard to design alterations to these existing houses without breaching height and recession plane rules. The proposed height rules for RHAs are height limits of 5 or 5.5m in CPT/North St Albans, Piko/Shand, Shelley/Forbes and Englefield RHAs, with 7m in Lyttelton, and 9m in Macmillan Avenue, Heaton Street, Wayside Avenue, and Wigram. Chester Street East and Inner City West do have 11m height limits, due to their previous inclusion in the Central City Recovery Plan.
- 8.23.2 Most of these height limits are more restrictive than the MRZ height limit of 11m and 12m including the roof form. (See Table 1 in the section 32 report for PC13 for a summary of the built form rules proposed for RHAs.) However in the absence of an MRZ area specific rule for recession planes, the general MRZ recession plane would apply, which is based on the MDRS standards and is more liberal than the operative recession plane. S1003.9 seeks provision for two storey buildings (with reference to the North St Albans RHA).
- 8.23.3 The modelling work for typical houses in Character Areas, adopted for RHA rules, has assumed that in the RHAs listed above a 5m or 5.5m limit would provide for one storey, that the 7m limit in Lyttelton and 9m limit in the areas listed above would provide for 2 storeys, and in the 11m limit Central City areas, 3 storeys would be possible. I note that in CPT/North St Albans and Piko/Shand at least, there are a sprinkling of two storey dwellings, the latter including some blocks of KO flats. In some of the 9m RHA areas older two storey houses might also exceed this height limit.
- 8.23.4 I am reluctant to suggest increasing height limits in the RHAs at this time, for three reasons. Firstly they would then differ from the height limits in the corresponding Character Areas, unless these were increased as well. Secondly in my view it would be necessary to consider how other built form rules (which operate as a package) might need to change with higher height limits. At the time of writing there is not sufficient time to request another modelling exercise by other Council staff to do this. I also note that the submitter (S519.22-S519.24 and S519.26) suggests stricter limits on site coverage and greater road setback distances to maintain streetscape. Stricter limits on site coverage in particular would likely not allow for the level of intensification that the MRZ zone or even RHA built form and density rules permit. I note here that the RHA built form rules are effectively only a guide not a permitted activity standard, as any development in an RHA is already a restricted discretionary activity under proposed Chapter 9.3 rules. Thirdly I understand that there is a recommendation from Mr Kleynbos to change the Lyttelton zoning from RBP to MRZ with a Suburban Density Precinct overlay (the submitter mentions Lyttelton in respect of height). If this recommendation is accepted by the Panel, the height limit in the Lyttelton RHA may increase to

8m, so it makes sense to wait for the zoning to be settled before further examining the question of height in the RHAs.

- 8.23.5 S519.7 refers to both alterations to houses and to new houses, and both of these require a restricted discretionary consent in RHAs. Therefore I do not think it is strictly necessary to increase height limits at this stage, although of course the Panel may come to a different view.

8.24 ISSUE 12 (E): SETBACK AND COVERAGE RULES UNCLEAR OR TOO RESTRICTIVE

- 8.24.1 There are a few submissions opposing the proposed road boundary setbacks, internal boundary setbacks and coverage maximums in RHAs. S1003.8 identifies that the Road setback rule for RHAs in 14.5.3.2.8(b)(i) does not provide an applicable setback if the existing house is not relocated or demolished. The following wording is suggested, which I now recommend as it does not change the intent of the rule but includes the scenario of an existing house not being demolished:

~~6 metres, where existing house is relocated forward on the site~~

~~8 metres, where existing house not retained~~

8 metres, or 6 metres where existing house or garage is proposed to be relocated forward on the site

- 8.24.2 With regard to internal boundary setbacks and coverage maximums, there is some concern that these do not provide for the same setbacks or extent of coverage currently found in some instances in these RHA areas. (S1036.2 and S1036.3) and a request that setbacks only apply to primary buildings on site. (S1003.10). In situations where the former is the case, there are likely be existing use rights to rebuild in the same location as previously, although waterway setbacks may make this difficult on a few sites for example in St Albans because of the Stormwater and Land Drainage Bylaw 2022's requirement to not allow any net flood displacement from filling or building within the 1 in 10 year floodplain. Slightly different internal boundary setbacks are specified for different groups of RHAs depending on the shape and size of sections typically found in these areas, as set out in Character Area built form modelling work. This work established the predominant characteristics in these areas. The purpose of these setbacks as set out in Ms Jane Rennie's evidence is to maintain the streetscape pattern, and the scale of buildings and their settings, and the continuity of these. Particular owners can still apply for consent to breach these standards.
- 8.24.3 I do have some sympathy for the submission (S1003.10) requesting that Rule 14.5.3.2.8(c)(ii) internal building setbacks should apply only to the primary building on site and not to all buildings. Historically accessory buildings in most residential zones in Christchurch have been allowed to be located on boundaries if the total length of such buildings is (currently) no more than 10.1m in length. However the point of wider internal boundary setbacks in RHAs applying to all buildings is to keep accessory buildings out of the streetview as much as possible, and maintain the streetscape

pattern. Accessory buildings are often not built in a similar style to residential units on the site, because the former are built more cheaply or at a later stage. Rule 9.3.4.3.1 RD6 encourages people to locate accessory buildings to the rear of the main residential unit by providing an exception for these (where less than 5m) from the requirement for consent in RHAs. Allowing the request for accessory buildings to automatically be able to be built on boundaries would undermine this intent.

- 8.24.4 With respect to coverage, again I have some sympathy for the submitter (S1036.3) who may be referring to historical development on very small section sizes, but I consider that 70% is much too high a proportion of coverage for RHAs generally, particularly where spaciousness is a feature of that RHA. Existing use rights may exist. Otherwise, the consent process will provide some flexibility to breach this rule where circumstances justify it. Even the MRZ standards do not allow more than 50% coverage (other than in limited circumstances, up to 60%) because sites need to function with adequate outdoor living space and some degree of landscaping/tree cover.

8.25 ISSUE 12(F): RHAS SHOULD PROVIDE FOR IMPROVEMENTS FOR SUSTAINABILITY WITHOUT CONSENTS

- 8.25.1 S1017.2 and S1017.4 refers to solar panels, water capture tanks and double glazing as examples, and S700.7 refers to satellite dishes and skylights. In my view these submitters have a valid point. It has already been noted by Council's heritage team that double glazing triggers RHA consent rules. Notwithstanding the fact that Council may not become aware of these features being installed because in my understanding they do not generally require building consents, a further exception could be added to the currently proposed Rule 9.3.4.1.3 RD6 exceptions, so that a new exception (c)(iv) would read:

The installation of sustainability or energy conservation features such as double glazing (where windows are not changed in shape, size or frame materials), solar panels, and water capture tanks.

- 8.25.2 In my opinion this further exception still fits under Policy 9.3.2.2.3 Management of Scheduled historic heritage, as amended to include heritage areas.

Recommendation

- 8.25.3 In this section on amending RHA rules so they are less restrictive, I have made three recommendations for amendments, in respect of Rule 9.3.4.1.3 RD6 (adding an exception), minor wording amendments to Rule 9.3.6.4 matters of discretion, and a wording amendment to Rule 14.5.3.2.8 (b)(i) for road setbacks in RHAs in the MRZ zone. These amendments are as follows:

Rule 9.3.4.1.3 RD6

b. This rule does not apply to:

- i. buildings that are located to the rear of the main residential unit on the site and are less than 5 metres in height;
- ii. alteration to exteriors of neutral buildings or intrusive buildings where the alteration is not visible from the street;
- iii. fences and walls on side or rear boundaries;
- iv. The installation of sustainability or energy conservation features such as double glazing (where windows are not changed in shape, size or frame materials), solar panels, and water capture tanks.

8.25.4 Rule 9.3.6.4 RHA matters of discretion:

Whether the proposal is consistent with maintaining or enhancing the heritage values of the building, fence or wall, and primarily the collective heritage values and significance of the heritage area, and secondarily the heritage values of the building, fence or wall, in particular having regard to the following matters of discretion where applicable:

Additional matters of discretion for alteration to building exteriors

- viii. retention, and integration of existing building fabric, form, appearance, and heritage values;
- ~~ix. the methodologies to be used in undertaking the works including temporary protection measures;~~
- x. the heritage values of the building and whether the building is a defining building, contributory building, neutral building or intrusive building.
- a. The extent to which the proposal is consistent with the Council's heritage report for the Residential Heritage Area concerned, and the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- b. Whether the proposal will provide for retention of a building or ongoing and viable use, including adaptive reuse.
- ~~c. Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.~~
- ~~d. Whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakāinga/Kāinga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga :~~

8.25.5 Rule 14.5.3.2.8 (b)(i) for road setbacks in RHAs in the MRZ zone

~~6 metres, where existing house is relocated forward on the site~~

~~8 metres, where existing house not retained~~

8 metres, or 6 metres where existing house or garage is proposed to be relocated forward on the site

8.25.6 These amendments result in a recommendation to partly accept S700.7, S1003.1, S1003.6, S1003.8, S1003.11-S1003.13, 1017.2 and S1017.4, to the extent of the wording changes set out above..

8.25.7 Otherwise, I recommend that other submissions discussed in this section 8.12 are rejected – S519.7, S519.22-S519.24, S519.26, S1003.4, S1003.9, S1003.10, S1003.16, S1036.1-S1036.3, S1048.17, S1048.18, S1069.1, S1069.2 and S1078.

8.26 ISSUE 13 – CLARIFY HOW RHA RULES WILL WORK/MAKE MINOR AMENDMENTS SO THEY WORK BETTER

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S842.73	Fire and Emergency NZ	Regarding Rule 9.3.4.1.1 P2, Fire and Emergency seek clarity as to whether an intrusive building within a residential heritage area would be subject to the activity specific standards set out in permitted activity rule 9.3.4.1.1.- repairs to a building in a heritage area		Accept
S842.74	Fire and Emergency NZ	[not coded] Assume 91 Chester St East is not subject to 9.3.4.1.1 P3 (a)(iv) temporary activities in a heritage area – clarify.		Reject
S1003.5	Melissa Macfarlane	Exclude heritage areas from the definition of heritage fabric or amend RD1 so it does not apply to activities covered by Rule 9.3.4.1.3 RD6.		Accept
S1016.3	Waipapa Papanui-Innes-Central Community Board	Continue to consider any additional suggestions of historical significance that are received through this process. Provision should be made for interim protection of areas (and sites) with potential heritage values to allow time for necessary in depth investigation to be undertaken		Reject
S1028.2	Rob Seddon-Smith	Seeks a clear definition of what constitutes the particular 'heritage' character of each area, so that it is easy to determine how any proposed development might meet such character standards.		Reject

S1028.4	Rob Seddon-Smith	Seeks that a date not more than 30 years hence whereby the heritage status of an area and the rules governing it should be reviewed or otherwise automatically removed.		Reject
S1052.5	Oxford Baptist Church	Seeks that any development of 94-96 Chester Street East be publicly notified.		Reject
S1062.1	Hughes Developments Limited	Seek that the activity status for development in Residential Heritage Areas is made clearer.		Reject
S1062.2	Hughes Developments Limited	Amend Residential Heritage Area - Heritage Report and Site Record Forms - HA6 Inner City West to remove references to 31 Worcester containing buildings on site.		Accept

8.26.1 For Issue 13 there are a number of submissions seeking more minor amendments to RHA rules or seeking to clarify how RHA rules will work. I will discuss these submissions under the following subthemes:

- a. Provide a clear definition of the heritage “character” of each RHA, potentially with standards which should be met.
- b. Remove the overlap between Rule 9.3.4.1.3 RD1 and RD6.
- c. Correct/update the RHA documentation for a site.
- d. Miscellaneous other clarifications.

8.27 ISSUE 13(A): PROVIDE A CLEAR DEFINITION OF THE HERITAGE “CHARACTER” OF EACH RHA

8.27.1 Heritage reports are provided for each RHA and links to these have been included on the PC13 and PC14 webpages. They will eventually be linked from Appendix 9.3.7.3 Schedule of Heritage Areas in the District Plan. These include sections on Distinctive Physical Characteristics and on Public Realm Features. Theoretically it would be possible to turn some of the former into standards, for example as the submitter (S1028.2) suggests for Lyttelton, not permit buildings to obstruct views of the water from first floor or above of other properties (putting aside the fact that view protection is extraordinarily difficult, not usually attempted in district plans, and nor is it a section 6 matter).

8.27.2 However I would suggest that many of the characteristics of RHAs have to do with style of buildings, street pattern, and public realm features for example: “The style of dwellings is typically vernacular, crafted by builders into colonial cottages or modest villas,” and that it is not realistic that these could become standards, as no-one expects new buildings to be built in exactly the same

style as colonial cottages, for example. There is also variability within these areas as has been discussed already, so that it would be necessary to write separate standards for all 11 RHAs. I consider that it would be very difficult to draft standards which captured these variable (and often contextual) heritage features of RHA areas. The proposed restricted discretionary status for new buildings and alterations to buildings, provides an assessment process for new proposals where the package of new building features can be considered in the context of the heritage values of the area.

8.28 ISSUE 13 (B): REMOVE THE OVERLAP BETWEEN RULE 9.3.4.1.3 RD1 AND RD6

8.28.1 Submission 1003.5 notes that there is an overlap between RD1 (alteration of a heritage item or heritage fabric) with RD6 (which includes alterations to building exteriors in RHAs) because of the proposed amendment to the definition of heritage fabric. In relation to S1003.5, I propose an exception from RD1 for alterations in heritage areas, in favour of RD6, with wording as follows to be added to 9.3.4.1.3 RD1:

“b. Where the building is in a heritage area but is not a heritage item, Rule 9.3.4.1.3 RD6 will apply instead”

8.29 ISSUE 13(C): CORRECT/UPDATE HERITAGE DOCUMENTATION

8.29.1 Submission S1062.2 requests updates to the RHA documentation for 21 Worcester Street, to remove references to the site containing a building as it is now vacant. I support this request, which will result in the contribution rating of this site becoming intrusive (see map attached at Appendix C.) This submission at 1062.1 also asks for clarification of the status of heritage assessments if resource consents are granted for change. This refers to a consent for earthworks within 5m of a heritage item to enable construction of a parking area and landscaping, granted in October 2020. The consent has already been given effect to. The submission states that it is unclear in the provisions how often these assessments need to be updated, if at all. This is because changes for example to the contributions ratings would depend on the scale and significance of changes to the property. Because they are the basis for plan rules on RHAs, contributions ratings could only be changed via a plan change or at a District Plan review, whereas the heritage reports behind them are non-statutory and could be updated at any time.

8.30 ISSUE 13(D): MISCELLANEOUS CLARIFICATIONS

8.30.1 It is not possible under the RMA to provide interim protection for potential RHAs, because this would impose restrictions on landowners which might later be found not to be justified under section 32 (requirements for preparing and publishing evaluation reports) (S1016.3). RHAs would be reviewed in the normal course of every District Plan review (nominally every 10 years), or as with any plan provision, could be reviewed more often by plan change (S1028.4). Qualifying

matters could be added in the future in respect of heritage, although this submission (S1016.3) may really be seeking to clarify that additional RHAs could be added in the future. There is no need to insert a provision to this effect as this could be done at any time by plan change. Public notification of consents for vacant sites cannot be assured because decisions on public notification depend on a judgement at the time of application on matters such as whether an activity will have or is likely to have adverse effects on the environment that are more than minor. (S1052.5)

- 8.30.2 S842.73 seeks clarification as to whether intrusive buildings within an RHA need to meet activity standards in 9.3.4.1.1. P2 – repairs to a heritage item or a building in a heritage area. P2 as notified does cover all buildings in heritage areas, which given the definitions of neutral and intrusive buildings as not contributing to the heritage values of areas, appears to me to be unduly onerous. A simple solution to this would be to change the wording of P2 so that it applied only to defining and contributory buildings in RHAs. An alternative would be to change the definition of heritage fabric but this is likely beyond the scope of this submission and would probably give rise to wider issues. I recommend that the activity description in Rule 9.3.4.1.1 P2 be reworded as follows:

“ Repairs to a heritage item or to a defining or contributory building in a heritage area, and heritage investigative and temporary works”.

- 8.30.3 This submission at S842.74 also seeks clarification on P3 – temporary buildings applying within heritage areas. (and in particular, presumably, on intrusive sites). I do not see this as quite the same issue as repairs, as temporary buildings are likely to be much more visible beyond the site. While the P3 standards are stricter than those in subchapter 6.2 for temporary buildings outside of RHAs, e.g. there is a proposed standard of two weeks before and after the event, rather than four, I do not see this as unreasonable in the context of the wider RHA.

- 8.30.4 Under Issue 13 I have recommended minor amendments to the Plan changes in respect of Issues 13 (b), 13(c), and 13(d). These changes are the two wording amendments set out above, plus amendments to RHA documentation for 21 Worcester Street.

- 8.30.5 Wording to be added to 9.3.4.1.3 RD1:

“b. Where the building is in a heritage area but is not a heritage item, Rule 9.3.4.1.3 RD6 will apply instead”.

Rule 9.3.4.1.1 P2 activity description to be reworded as follows:

“Repairs to a heritage item or to a defining or contributory building in a heritage area, and heritage investigative and temporary works”.

Recommendation

8.30.6 I recommend that S842.73, S1003.5, and S1062.2 be accepted, with wording changes as set out above., and changes to the RHA documentation in respect of 21 Worcester Street. See Appendix 9.3.7.8.5 attached at Appendix C showing the Inner City West RHA. Otherwise the remainder of the submissions in this group should be rejected – S842.74, S1016.3, S1028.2, S1028.4, S1052.5, and S1062.1.

8.31 ISSUE 14 – OPPOSE OR SUPPORT RHA INTERFACE OVERLAYS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S700	Hilary Talbot	[not coded] Support a protective buffer zone for the Englefield RHA although it is not clear how it will work.		Accept
S814.99 (part), S814.104, 814.217	Carters	Seek that the advice note at the end of 15.12.1.3 be deleted [refers to RD8 in Ch 9.3 and RHA interface areas]. Also delete 9.3.4.1.3 RD8 and matters of discretion for interface areas		Reject
S823.183, S823.222 (part), S823.227	Catholic Diocese of Christchurch	Seek that the advice note at the end of 15.12.1.3 be deleted [refers to RD8 in Ch 9.3 and RHA interface areas]. Also delete 9.3.4.1.3 RD8 and matters of discretion for interface areas		Reject
S834.336	Kāinga Ora	Oppose the proposed provisions controlling new buildings on sites sharing a boundary with a Residential Heritage Area (Residential Heritage Area Interface).		Reject
S835.23	Historic Places Canterbury	Clarify these rules, eg whether it is a site sharing a boundary or a zone sharing a boundary. Possibly apply more widely eg to sites separated from RHA by a road.		Reject
S877.24	Otautahi Community Housing Trust	Regarding 14.3.i, :Remove the last part of the sentence: "Residential Heritage Area, Residential Heritage Area Interface"		Reject
S885.5, S885.6	Peter Dyhrberg	[Retain] the proposed Interface rules for the adjacent sites which share a boundary with that proposed Residential Heritage Area		Accept
S1002.2	Keith Patterson	Amend the matters of discretion for 9.3.6.6 (sites sharing a boundary with RHA) to require consultation with neighbouring properties.		Reject
S1033.1	Sam Spekrijse	These whole areas are not significant enough to be given effective indefinite		Reject

		exemption to intensification, especially with the buffer zone requirements as planned		
S1052.6	Oxford Terrace Baptist Church	Seeks that the wording for buffers for Residential Heritage Areas is made clearer.		Reject

8.31.1 I will discuss submissions on this topic under the following subthemes:

- a. General opposition to the concept of buffer areas around RHAs, including consideration of s6(f);
- b. Support for Chester Street RHA interface areas;
- c. Inconsistencies in application of interface areas;
- d. Miscellaneous interface issues.

8.32 ISSUE 14(A): GENERAL OPPOSITION TO BUFFER AREAS:

8.32.1 Several submissions oppose the concept of buffer or interface areas around RHAs. Some of the opposition is because the submitters oppose RHAs in the first place (Issue 10 above) and consider that interface areas are especially problematic.

8.32.2 S877.6 (also discussed under Topic 10 above) and S877.24 by the Otautahi Community Housing Trust argue that the introduction of this interface as a QM further blurs the distinction between s.6 matters. This appears to be a reference to supporting the use of s6(f) in respect of heritage sites but only in respect of heritage areas where there is a strong evidence base, which the submission argues is lacking in PC14/13. They also state that these interface controls are, similarly to RHAs, not a universally accepted approach to the management and protection of heritage values.

8.32.3 I have discussed opposition to RHAs themselves under Issue 10 above. There is nothing in section 6(f) of the RMA or the definition of historic heritage that states that it is not valid to apply section 6(f) at a level that is wider than individual sites, for example there is explicit wording in the definition relating to historic areas. The question is rather, what is the inappropriate use, subdivision and development that they should be protected from. It may be true that this is one of the first instances of use of a buffer area in respect of historic heritage (usually buffers would be used as a way of protecting surrounding residents from a land use with adverse effects e.g. a sewage pond or quarry, rather than the inverse situation), although the settings of historic items scheduled in the District Plan are a form of buffer.

8.32.4 What is different about the concept of interface areas here, is that they affect property titles which adjoin but are outside the proposed heritage areas, not those within the RHAs themselves. This

means the interface sites are not being argued to have buildings which themselves are of heritage value.

- 8.32.5 It is important to understand that in respect of Christchurch’s proposed RHA interface areas, this only applies where the adjoining zoning would be High Density Residential or Visitor Accommodation. These High Density Residential sites have a greater potential for causing significant visual dominance effects on the RHAs as a result of contrasts of scale due to permitting taller multi-storey buildings closer to the boundary. This is illustrated by modelling in Appendix 15 to the section 32 report for PC13. The building forms were compliant with the rules proposed for PC14 residential zones at the time, eg in terms of road boundary setbacks, recession planes and heights. The model includes six and ten storey buildings, with sites 15m or wider able to accommodate a 10 storey building. Plan enabled heights in the HRZ zone have now been recommended to increase from 20m to 22m in the “6 storey area” (area outside the Central City Residential Precinct) and 32 to 39m in the “10 storey area” (within the Central City Residential Precinct).
- 8.32.6 There are approximately 97 adjoining properties with this zoning (all except one being zoned HRZ) around five of the RHAs. This would become 91 properties if S751.45 (not reported here) is accepted by the Panel, although I have now recommended in the sections on Chester Street East RHA under Issue 1 and Inner City West RHA under Issue 3, that three additional sites be added to the interface. For four of these RHAs there are only small lengths of their boundaries which adjoin such zoning, the exception being Chester St East, which is virtually surrounded by high density residential zoning.
- 8.32.7 The interface areas are shown on the PC13 and 14 webpages and will be shown in Appendix 9.3.7.9 of the District Plan. They are proposed to be subject to a restricted discretionary consent, but only for a limited number of matters of discretion: the effect of the proposed building on the heritage values of sites within the Residential Heritage Area and of the Area as a whole; and whether the proposed building would visually dominate sites within the Residential Heritage Area, or reduce the visibility of the site or sites to or from a road or other public space. Council’s discretion is deliberately proposed to be very limited, to ensure that RD consents in these areas are less onerous than RD consents in the RHAs themselves.
- 8.32.8 The RHA interface areas are a response to community concerns, especially from Chester St East residents during prenotification consultation (and reflected now in some submissions) about visual dominance and shading as a result of the potentially tall buildings which could adjoin them, especially to the north. The questions then are: assuming a sufficiently strong evidential base has been provided for the RHAs themselves and their boundaries, are their values sufficiently important to protect that they justify limitations (as a Qualifying Matter) on adjoining properties because a Full Intensification scenario on those adjoining sites would constitute inappropriate use,

subdivision and development of those sites?; and if so, what is the appropriate method to limit that Full Intensification Scenario on those adjoining sites?

- 8.32.9 In regard to the first question, I do not know of any provision in the RMA which would prevent such a restriction on properties which adjoin sites or areas with particular values. Nor do I consider that it could be argued that a heritage qualifying matter under the NPS-UD cannot include limits on development capacity, in particular on building height and density, of immediately adjoining sites in order to protect those heritage values. A similar type of provision (restrictions on height of adjoining properties, with additional restrictions on density now being recommended) has been included elsewhere in PC14 to protect the heritage landscape values of Riccarton Bush.
- 8.32.10 I consider it would have been preferable to have had the time and resources to do a more detailed investigation of the 97 (now 91) properties proposed for the interface area, but even if that had been possible, it would be very difficult to predict the extent and pace of redevelopment under the High Density Residential zoning, and actual building bulk. I did consider an activity standard or standard(s) for example an increased setback on the HRZ side of the boundary, or rules which would limit height and/or impose a tighter recession plane. However, these would be blunt instruments and might not be needed in all circumstances, but could be inadequate to mitigate effects on heritage values in others. As noted in 6.2.18, contrasts of scale may be able to be reduced by a combination of changes to proposals such as moving the proposed building back from the boundary, small decreases in scale or changes to form, rather than there being a single approach to mitigation.
- 8.32.11 On balance I consider that a restricted discretionary consent is the appropriate method to provide for negotiation and a more nuanced approach.

8.33 ISSUE 14(B): SUPPORT FOR CHESTER ST RHA INTERFACE AREAS

- 8.33.1 One submission from a Chester St resident supports these areas on the basis of a lower intensity of development around their area (S885.5 and S885.6). Another (S1002.2) seeks that matters of discretion for interface areas be amended to add in a requirement for consultation with neighbours (within the RHA). This submitter also considers that the matters of discretion for interface areas are too narrow and should consider matters such as shading, the possibility of wind tunnels etc. As noted under Issue 14(a) above, the matters of discretion were deliberately kept narrow so as to make such consents less onerous. Another consideration is that the NPS-UD at Policy 6)b) states that significant changes to the amenity values of an area are not of themselves an adverse effect.
- 8.33.2 Some of the Chester Street submitters are seeking an extension of the RHA itself into the interface areas, e.g. to include most of the properties on the south side of Kilmore St between Dawson St and Barbadoes St. These are reported on separately by Dr McEwan. She does not recommend

inclusion of these properties, but if she had they should really be downzoned to MRZ to be consistent with the remainder of RHA properties. However there may be scope issues with this as no submitter directly sought this. I recommend that support for the Chester St interface areas be accepted, subject to the following discussion on Issue 14(c).

8.34 ISSUE 14(C): INCONSISTENCIES IN APPLICATION OF INTERFACE AREAS

8.34.1 My recommendation under Issues 1 and 3 above, based on advice from Dr McEwan, to accept minor changes to the boundaries of the Chester Street East and Inner City West RHA boundaries, will also lead to inconsistencies in respect of the interface areas in these localities. The maps attached to this evidence as Appendix C indicate some additional minor changes to the interface areas to make them consistent.

8.35 ISSUE 14(D): MISCELLANEOUS INTERFACE ISSUES:

8.35.1 There are three miscellaneous submissions on this topic.

8.35.2 More than one of the submitters (eg S1052.6) have commented on the unhelpful and confusing sentence on RHA interface areas in the Plan Changes consultation document, which stated: “Our proposal also includes introducing a buffer for RHAs, with a High Density border to better protect their edges”, which implies that a high density zone would itself be the buffer. This sentence should have been corrected before the document went to print but was not. The consultation booklet was not part of the notified plan change, although it accompanied it, and has no legal weight. This submission point has been recorded as “Seeks that the wording for buffers for Residential Heritage Areas is made clearer”. The submission actually says: “That the Plan Change 13 defines a buffer for RHA’s, and how a buffer would be given effect.”

8.35.3 PC13 does include maps of the interface or buffer areas on the PC13 and 14 webpage and these maps are intended to be included in Appendix 9.3.7.9 of the Plan in due course. The buffer is given effect to in Rule 9.3.4.3. RD8. In plain English the sentence in the consultation booklet should have read as follows (or similar): “Our proposal also includes introducing a buffer along the edges of some parts of RHAs, to better protect them from the effects of adjoining High Density zoning.”

8.35.4 S835.23 seeks clarification of whether the interface rules are directed at sites sharing a boundary or a zone sharing a boundary, and also suggests that in some cases e.g. Montreal Street sharing a zone boundary with the Inner City West RHA, that a road would not provide sufficient separation to avoid visual domination of the RHA. In the first case there is no uncertainty that this rule, Rule 9.3.4.1.1 RD8 is about sites sharing a boundary, as this is the wording used in the rule and in the maps of interface areas in Appendix 9.3.7.9.1. In the second case there are separate rules in the Commercial zones with lower height limits in particular areas for heritage reasons. For example

the sites to the east of the Arts Centre with boundaries to the east side of Montreal Street have a height limit of 28 metres.

Recommendation

- 8.35.5 I recommend that the following submissions be accepted: S885.5 and S885.6. I recommend that the other submissions discussed in this section are rejected: S814.99, S814.104, S814.217, S823.183, S823.222(part), S823.227, S834.336, S835.23, S877.24, S1002.2, S1033.1 and S1052.6.

8.36 ISSUE 15 – QUESTION/OPPOSE ZONING IN AND AROUND RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1016.2	Waipapa Papanui-Innes-Central Community Board	Address the impact of the HRZ area between Chester St East and Englefield RHAs.[Rezone high density zone between Chester Street East and Fitzgerald Ave to Residential Heritage Area]		Reject

- 8.36.1 Several of the section 42A reports include evaluation of rezoning requests. In this section I will comment only on one rezoning request related to RHAs. This is to consider the impact of [and potentially change] the zoning of the HRZ zoned area between the two RHAs of Chester Street East and Englefield.
- 8.36.2 S1016.2 has been touched on by a group of submissions evaluated by Dr McEwan. One of the issues appears to be that at least some of the residents see the whole of Chester Street East as a community, and do not want to see the eastern end of Chester St East be redeveloped to any greater extent that it has been already. Dr McEwan’s evidence indicates that the eastern end of the street would not qualify as an RHA, which means there is no Qualifying Matter under the NPS-UD which could be a reason for downzoning the eastern end of the street from the HRZ zoning that it is proposed to have. This is a result of the area being within a 15 minute walking distance of the Central City zone. The zoning here as HRZ allows for a maximum height of 20m or around six storeys, which is less than the maximum height of 32m or 10 storeys proposed for the HRZ zone adjoining the western end of the Chester St East RHA. Dr McEwan has noted the extensive redevelopment that has occurred in this eastern end of the street both before and after the earthquakes, which has resulted in a number of blocks of flats replacing older housing stock. It is possible that there may not be much further redevelopment in the near future as a result of PC14.

Recommendation

8.36.3 I recommend that S1016.2 be rejected.

8.37 ISSUE 16 – OTHER MISCELLANEOUS RHA SUBMISSIONS EG PROVIDE ECONOMIC INCENTIVES OR COMPENSATION

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S1017.3	Jayne Smith	Support [Policy 9.3.2.2.10 on] incentives and assistance for historic heritage		Partly accept
S1028.3	R.Seddon-Smith	Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation.		Reject

8.37.1 S1028.3 is summarised as: Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation. The submission also states that the cost of resource consent assessment for new developments in RHAs should be borne by CCC, and that Council should fund proper management of the RHAs so that amenity is maintained.

8.37.2 It is understandable that property owners in RHAs might consider the concept of attempting to protect residential environments with collective heritage values, as simply a cost to them. (The submitter notes that he does not live in or own property in an RHA). It is likely that most people do not realise that protection of historic heritage is a matter of national importance under section 6(f) of the RMA, or that our representative residential environments are already significantly compromised. However the RMA also prescribes a “weighing up” exercise which must be done in proposing new policies and rules, including consideration of costs and benefits. There is no doubt that in respect of protection of heritage, costs do fall primarily or totally on individual landowners, (albeit that some of these are public bodies), whereas heritage and its benefits for community identity is generally a benefit to the community more broadly.

8.37.3 Unfortunately the pot of money available to Council to allocate for all purposes is limited and priorities in Annual Plans and Long Term Plans often lie elsewhere, for example with physical infrastructure. There are 1347 properties in the RHAs (with 793 of these in Lyttelton). While only a small proportion of these properties would be subject to proposals to alter or rebuild in any given year, there is no possibility that Council could compensate owners to the extent sought in this submission. With regard to maintenance, that is a normal cost for property owners and the proposed provisions do not and could not prescribe that this must occur. It is unclear what is meant by “proper management of the RHAs to maintain amenity”.

- 8.37.4 There is no certainty that identification as a heritage area will cause property values to decline. Some studies (for example the Auckland study quoted in the section 32 report for PC13) have shown that values of scheduled heritage buildings (of course not the same thing as RHAs) can in fact increase. As the concept of RHAs is recent, including in other NZ local authorities, there appears to be no relevant research on the value effect of these in the NZ context. I consider that any value decrease (or lack of value increase) if it did occur, would be strongest in RHAs with the most feasible development opportunity, as set out in the Property Economics report on Costs and Benefits of Heritage. This means areas such as North St Albans, Heaton St and Piko/Shand RHAs, which are locationally advantaged by proximity to main transport routes and to commercial centres. In these areas it could potentially be argued that the zoning and rules associated with RHAs represent a greater opportunity cost than elsewhere.
- 8.37.5 It is not likely that Council (i.e. the community) could cover the costs of resource consent assessment for new developments in RHAs, with the current user pays model for consents. Undertaking processing of these new consents would be a significant cost for Council without some element of user pays. I note the current Council campaign seeking feedback on “must haves” and “nice to haves” in relation to the forthcoming LTP review process, which signals an emphasis on prioritisation of expenditure.
- 8.37.6 S1017.3 is concerned that inclusion in a heritage area may push up the cost of maintenance and repairs, e.g. only being able to use registered heritage builders. Other issues raised are disadvantage to people owning corner properties because there are views from two roads to be considered, and removing the potential for development e.g. adding a home on the back. This submission is also discussed under Issue 12 (f) above in relation to upgrading to more sustainable living. The submission point here is summarised as “support incentives and assistance for historic heritage”.
- 8.37.7 Houses within RHAs are not being scheduled individually as buildings of significant historic heritage, which is a higher ranking of protection. They are being scheduled as a group having collective heritage value. As noted in Section 6.2 above, the “tests” for development are more about change which is in keeping with the broad heritage characteristics of the area, than about detailed architectural control or precisely replicating the details of the building being replaced. This means I do not consider it likely that only registered heritage builders could be used. Nor would there necessarily be a decrease in potential for development on the rear of sites; in fact the modified MRZ zoning proposed for RHA areas would enable two units to be built on sites where only one is currently provided for, subject to compliance with other built form rules.
- 8.37.8 The summarising of the submission is in relation to Policy 9.3.2.2.10, an existing policy in the Plan which states “Provide incentives (including financial incentives) and technical advice to assist in achieving the retention, conservation and ongoing use of historic heritage, including earthquake

repairs and seismic strengthening, in recognition of the public good value of heritage to the community.” Unfortunately as noted above, the Council’s budget for heritage protection is limited at this time, and priorities must be set within this limited budget, meaning that more reliance must be placed on the provision of technical advice than on financial incentives.

Recommendation

8.37.9 I recommend that S1028.3 is rejected and S1017.3 is partly accepted, to the extent that the policy referred to is an existing Council policy but is unable to be fully implemented at the present time.

9 MINOR AND INCONSEQUENTIAL AMENDMENTS

9.1.1 Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

9.1.2 Any minor and inconsequential amendments relevant to Residential Heritage provisions have been listed in the appropriate sections of this s42A report. Virtually all of the alterations sought and discussed throughout this report are of more than minor effect.

9.1.3 The recommended amendments are set out in the tracked changes versions of the applicable provisions, which are provided at Appendix B.

10 WAIKANAE CASE

10.1.1 Ms Oliver discusses in her evidence, the recent Waikanae Land Company v Heritage New Zealand Pouhere Taonga ⁶ Environment Court decision, which addresses the scope of local authorities' powers in notifying an Intensification Planning Instrument in accordance with section 80E of the RMA, and she also comments on the potential implications for PC14. I have read and agree with that discussion.

10.1.2 If this case is upheld in the High Court, it could have a significant effect on what could be proposed through the IPI as qualifying matters in regard to heritage. In my view, all new RHAs with their associated rules, could be considered to be ultra vires the IPI as they change the activity status for building, altering buildings or demolishing in RHAs from permitted in the operative District Plan, to restricted discretionary, and include some building height and density requirements that are less

⁶ [2023] NZEnvC 056.

enabling than the MDRS for the relevant residential zones. However, the decision states that a Council is entitled to make changes to its District Plan to add in new areas (in that case a wāhi tapu) using a standard Schedule 1 RMA process.

- 10.1.3 PC13 was in fact notified under the RMA Schedule 1, rather than as a part of the IPI, so the proposal to introduce new heritage areas might survive under PC13. However the qualifying matters elements of the provisions as duplicated and considered under PC14 might not survive, including all relevant RHA rules, which would mean that RHAs would essentially be for information purposes only, with no rules of any effect. They would then have to rely on any non-statutory guidance which could be drafted or implemented.
- 10.1.4 Beyond these comments, I consider this to be a legal rather than a planning matter.
- 10.1.5 To assist the Panel to identify provisions potentially affected by Waikanae, I have provided in the table below a list of provisions I address in this report that impose additional controls or restrictions that affect status quo/pre-existing development rights (as per the Operative District Plan).

Definitions – Contributory, Defining, Intrusive and Neutral Buildings and sites
Rule 8.6.1 – Minimum Net Site Area and Dimension – MDRZ c. RHAs, f. RBP Lyttelton RHA
Policy 9.3.2.2.2 – Identification, assessment and scheduling of heritage areas.
Policies 9.3.2.2.3, 9.3.2.2.5, 9.3.2.2.8 - insofar as they affect heritage areas
Rule 9.3.4.1.1 – Permitted activities – P1- P4 insofar as they affect heritage areas, P12, P13
Rule 9.3.4.1.3– Restricted discretionary activities - RD4 insofar as it affects heritage areas, RD6- RD8
Rule 9.3.6.4 – Matters of discretion for RHAs – new buildings, fences and walls and exterior alterations to buildings
Rule 9.3.6.5- Matters of discretion for RHAs – demolition or relocation of a defining building or contributory building
Rule 9.3.6.6.- Matters of discretion for Sites in the High Density Residential zone and Residential Visitor Accommodation zone sharing a boundary with an RHA
Appendix 9.3.7.3 – Schedule of Significant Historic Heritage Areas
Appendix 9.3.7.7.- RHAs Aerial Maps
Appendix 9.3.7.8- RHAs Site Contributions Maps
Appendix 9.3.7.9 – RHAs – Interface sites and Character Area Overlap Maps
Medium Density Residential zone Rule 14.5.3.1.3 – Area specific activities - RD15

Rule 14.5.3.2 – Areas specific built form standards – 14.5.3.2.3 -building height, 14.5.3.2.7 - number of residential units per site, 14.5.3.2.8 setbacks, 14.5.3.2.9 building coverage, 14.5.3.2.10 -outdoor living space per unit

Residential Bank Peninsula zone - Rule 14.8.3.1.1 – area specific permitted activities P5, 14.8.3.1.3- area specific restricted discretionary activities RD5-RD7, RD9, RD11, Rule 14.8.3.2.2 – area specific built form standards 14.8.3.2.2- 14.8.3.2.6, and 14.8.3.2.9.

Rule 14.8.3.2 -Area specific built form standards – Rule 14.8.3.2.2.- 14.8.3.2.6, 14.8.3.2.9
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11 CONCLUSIONS AND RECOMMENDATIONS

11.1.1 Having considered all of the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that the Plan Change 14 in respect of Residential Heritage Area provisions, with the amendments I am suggesting, will:

- a. result in amended policies that better achieve(s) the operative objective;
- b. result in amended rules that better implement the operative and proposed policies;
- c. give effect to relevant higher order documents, including the NPS-UD, and the RPS;
- d. have regard to Council’s heritage strategy “Our Heritage, Our Taonga Heritage Strategy (2019-2029)”
- e. more appropriately achieve the District Plan objectives and better meet the purpose of the Act than the current Plan provisions.

11.1.2 For the reasons set out in the Section32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

11.1.3 I recommend therefore that:

- a. The Plan Change 14 provisions on Residential Heritage Areas be approved with modifications as set out in the attached Appendix B; and
- a. Submissions on the Plan Change be accepted or rejected as set out in Appendix D to this report.

APPENDIX A – S32AA EVALUATION WHERE MINOR CHANGES ARE PROPOSED

FURTHER EVALUATION UNDER SECTION 32AA

1. As required by Section 32AA of the Resource Management Act, this report further evaluates changes to District Plan amendments proposed in the notified Plan Change XX document since the s32 evaluation was undertaken. This evaluation should be read in conjunction with the Plan Change 14 documents, Section 32 evaluation and Section 42A report in respect of Residential Heritage Areas. Refer to these documents for detailed analysis of submissions and other options considered.
2. Changes to proposed amendments since the s32 evaluation are assessed in Table 1 below. In evaluating the effects of the changes in accordance with 32AA, the following questions have been considered. Do the changes recommended:
 - a. make a significant difference to the conclusions of the s32 evaluation?
 - b. have significant effects on their own or in combination with the other amendments?
 - c. address the identified problems?
3. Further evaluation under s32AA shows the changes to the proposed amendments do not affect the conclusions of the s32 evaluation. The proposed provisions are the most appropriate way to achieve the objectives of the District Plan.

Table 1 – Evaluation of recommended changes

Changes to PC 14 proposed amendments to Residential Heritage Area provisions	Effects and evaluation of changes
<p>Rule 9.3.4.1.1 P2 Limiting activity standards for permitted repairs to defining and contributory buildings only.</p> <p>Rule 9.3.4.1.3.RD1 – removing the overlap with RD6 so buildings in RHAs do not have to meet RD1 and those associated matters of discretion.</p> <p>Rule 9.3.4.1.3 RD6 – adding an exception for sustainability or energy conservation features from RHA rules.</p>	<p>No significant effect in terms of s32 evaluation.</p> <p>Changes are minor and technical in nature. Two of the wording changes improve clarity (rules re RD1 and road setbacks) and the two others improve flexibility (rules re P2 and RD6).</p>

<p>Rule 14.5.3.2.8 b.i._ - clarifying road setback rule when houses are retained.</p>	
<p>Matters of discretion - Rule 9.3.6.4</p> <p>Change the base wording of the Matters of Discretion rule for RHAs, so that it refers primarily to the collective heritage values and significance of the heritage area, and only secondarily to the heritage values of the building itself.</p> <p>Delete matters of discretion on methodologies to be used on alterations to building exteriors, and consultation with Heritage NZ.</p> <p>Add wording to matter of discretion (e) to refer to whether the site is to be used for papakāinga/kāinga nohoanga.</p>	<p>No significant effect in terms of s32 evaluation.</p> <p>Reduces the risk of misinterpretation of the policy and rule intent, by clarifying that assessment is focused primarily on collective heritage values, and that individual buildings are not being scheduled, rather the area is being scheduled.</p> <p>Reduces the total number of matters of discretion for buildings which are not being scheduled, and in recognition of the number of buildings in RHAs.</p> <p>Change to matter of discretion (e) is to signal that papakāinga housing in an RHA may bring different considerations, in relation to RHA built form and density rules.</p>
<p>Mapping and documentation for RHAs</p> <p>Revised Appendix 9.3.7.7.1, 9.3.7.8.1 and 9.3.7.9.1 for Chester Street East RHA</p> <p>Revised Appendix 9.3.7.7.5 and 9.3.7.8.5 for Inner City West RHA</p> <p>Some revisions to heritage report for Macmillan RHA</p>	<p>These changes reflect small reductions in the extent of both RHAs as a result of submissions, and correction of the contributions map for the Inner City West RHA. The revised maps are more accurate in splitting some properties by title. Interface overlay areas have been substituted for some properties/titles formerly in the RHA.</p>

APPENDIX B – PC14 - DISTRICT PLAN TEXT AMENDMENTS WITH RECOMMENDED CHANGES

As a result of consideration of submissions, some amendments to the District Plan provisions are recommended. For the purposes of these amendments, the District Plan text is shown as normal text. Amendments proposed by the Plan Change as notified are shown as **bold underlined** or ~~**bold strikethrough**~~ text.

Any text recommended to be added, following consideration of submissions, is shown as **bold underlined text in red** and that to be deleted as ~~**bold strikethrough in red**~~.

Text in green font identifies existing terms defined in Chapter 2 – Definitions. Text in **blue and underlined** shows links to other provisions in the e-plan or to external documents. These have pop-ups and hyperlinks, respectively, in the on-line Christchurch District Plan. Where a term is defined in the newly added bold text, it will show as **green underlined** text in bold.

DISTRICT PLAN TEXT AMENDMENTS

Key:

For the purposes of this plan change, any unchanged text is shown as normal text or in **bold**, any text proposed to be added by the plan change is shown as **bold underlined** and text to be deleted as ~~**bold strikethrough**~~.

Text in **bold red underlined** is that from Schedule 3A of the Resource Management Act and must be included.

Text in green font identifies existing terms in Chapter 2 – Definitions. Where the proposed change contains a term defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as ~~**bold strikethrough in green**~~. New definition in a proposed rule is **bold green text underlined in black**.

Text in purple is a plan change proposal subject to Council Decision.

Text in **purple shaded in grey** is a Plan Change Council Decision.

Text in **black/green shaded in grey** is a Council Decision subject to appeal.

Text in blue font indicates links to other provisions in the district Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan.

Text highlighted in yellow relates to proposed changes in areas of Banks Peninsula outside of Lyttelton which are out of the scope of consideration for PC14 but will be considered in PC13.

Text in purple bold underline and/or ~~**purple bold strikethrough**~~ is recommendations in response to submissions through s42A reporting on PC14.

Please note:

1. Two lengthy appendices in this sub-chapter have been deleted here for brevity, and because they are not the subject of this evidence – Appendix 9.3.7.2 Schedule of Significant Historic Heritage Items, and Appendix 9.3.7.4 Heritage item and heritage setting exemptions from zone-rules.
2. The evidence of Mrs Suzanne Richmond also contains a copy of sub-chapter 9.3, and includes separate text amendments to those in this document, deriving from her recommendations in

response to a different set of submissions on PC14. The two text amendment documents should be considered together.

9.3 Historic heritage

9.3.1 Introduction

- a. This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.
- b. This sub-chapter relates to the management of the Christchurch District's significant historic heritage. The values of heritage items, heritage settings and heritage areas of the Christchurch District are identified in a series of schedules appended to this sub-chapter and shown on the Planning Maps.
- c. The objective, policies, rules, standards, matters of control and matters of discretion in this sub-chapter are intended to provide for the protection of significant historic heritage, while also recognising the impact of the Canterbury earthquakes on heritage items and the effect of engineering and financial factors on the ability to retain, restore, and continue using them.
- d. The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.

9.3.2 Objective and policies

9.3.2.1 Objectives

9.3.2.1.1 Objective – Historic heritage

- a. The overall contribution of historic heritage to the Christchurch District's character and identity is maintained through the protection and conservation of significant historic heritage across the Christchurch District in a way which:
 - i. enables and supports:
 - A. the ongoing retention, use and adaptive re-use; and
 - B. the maintenance, repair, upgrade, restoration and reconstruction;
of historic heritage; and
 - ii. recognises the condition of buildings, particularly those that have suffered earthquake damage, and the effect of engineering and financial factors on the ability to retain, restore, and continue using them; and

- iii. acknowledges that in some situations demolition may be justified by reference to the matters in Policy 9.3.2.2.8.

9.3.2.2 Policies

9.3.2.2.1 Policy – Identification, ~~and assessment~~ and scheduling of historic heritage items for scheduling in the District Plan

- a. Identify historic heritage throughout the Christchurch District which represents cultural and historic themes and activities of importance to the Christchurch District, and assess their heritage values for significance in accordance with the criteria set out in Appendix 9.3.7.1.
- b. Assess the identified historic heritage in order to determine whether each qualifies as ‘Significant’ or ‘Highly Significant’ heritage item according to the following:
 - i. to be categorised as meeting the level of ‘Significant’ ~~(Group 2)~~, the historic heritage shall:
 - A. meet at least one of the heritage values in Appendix 9.3.7.1 at a significant or highly significant level; and
 - B. be of significance to the Christchurch District (and may also be of significance nationally or internationally), because it conveys aspects of the Christchurch District’s cultural and historical themes and activities, and thereby contributes to the Christchurch District’s sense of place and identity; and
 - C. have a moderate degree of authenticity (based on physical and documentary evidence) to justify that it is of significance to the Christchurch District; and
 - D. have a moderate degree of integrity (based on how whole or intact it is) to clearly demonstrate that it is of significance to the Christchurch District.
 - ii. to be categorised as meeting the level of ‘Highly Significant’ ~~(Group 1)~~, the historic heritage shall:
 - A. meet at least one of the heritage values in Appendix 9.3.7.1 at a highly significant level; and
 - B. be of high overall significance to the Christchurch District (and may also be of significance nationally or internationally), because it conveys important aspects of the Christchurch District’s cultural and historical themes and activities, and thereby makes a strong contribution to the Christchurch District’s sense of place and identity; and
 - C. have a high degree of authenticity (based on physical and documentary evidence); and
 - D. have a high degree of integrity (particularly whole or intact heritage fabric and heritage values).
- c. Schedule significant historic heritage as heritage items and heritage settings where each of the following are met:

- i. the thresholds for Significant ~~(Group 2)~~ or Highly Significant ~~(Group 1)~~ as outlined in Policy 9.3.2.2.1 b(i) or (ii) are met; and
- ii. in the case of interior heritage fabric, ~~it is specifically the extent of protection is~~ identified in the schedule;
 - unless
- iii. the physical condition of the heritage item, and any restoration, reconstruction, maintenance, repair or upgrade work would result in the heritage values and integrity of the heritage item being compromised to the extent that it would no longer retain its heritage significance; and/or
- iv. there are engineering and financial factors related to the physical condition of the heritage item that would make it unreasonable or inappropriate to schedule the heritage item.

9.3.2.2.2 Policy – ~~Heritage areas~~ Identification, assessment and scheduling of heritage areas

- a. Identify ~~heritage areas groups of related historic heritage within a geographical area~~ which represent important aspects of the Christchurch District’s cultural and historic themes and activities and assess them for significance ~~to the Christchurch District and their relationship to one another~~ according to:
 - i. ~~the matters set out in Policy 9.3.2.2.1 whether the heritage area meets at least one of the heritage values in Appendix 9.3.7.1 at a significant or higher level;~~ and
 - ii. the extent to which the ~~area~~ heritage area and its heritage values contributes to Christchurch District’s sense of place and identity; has at least a moderate degree of integrity and authenticity; is a comprehensive, collective and integrated place, and contains a majority of buildings or features that are of defining or contributory importance to the heritage area.
- b. Schedule historic heritage areas that have been assessed as significant in accordance with Policy 9.3.2.2.2(a).

9.3.2.2.3 Policy – Management of scheduled historic heritage

- a. Manage the effects of subdivision, use and development on the heritage items, heritage settings and heritage areas scheduled in Appendix 9.3.7.2 and 9.3.7.3 in a way that:
 - i. provides for the ongoing use and adaptive reuse of scheduled historic heritage in a manner that is sensitive to their heritage values while recognising the need for works to be undertaken to accommodate their long term retention, use and sensitive ~~modernisation change~~ and the associated engineering and financial factors;
 - ii. recognises the need for a flexible approach to heritage management, with particular regard to enabling repairs, heritage investigative and temporary works, heritage ~~upgrade~~ Building Code works to meet building code requirements, and restoration and reconstruction, in a manner which is sensitive to the heritage values of the scheduled historic heritage, and

retains the current level of significance of heritage items and heritage areas on the schedule; and

- iii. subject to i. and ii., protects their particular heritage values from inappropriate subdivision, use and development.
- b. Undertake any work on heritage items and heritage settings scheduled in Appendix 9.3.7.2 and defining building or contributory building in heritage areas scheduled in Appendix 9.3.7.3 in accordance with the following principles:
- i. focus any changes to those parts of the heritage items or heritage settings, or defining building or contributory building which have more potential to accommodate change (other than where works are undertaken as a result of damage), ~~recognising that heritage settings and Significant (Group 2) heritage items are potentially capable of accommodating a greater degree of change than Highly Significant (Group 1) heritage items~~;
 - ii. conserve, and wherever possible enhance, the authenticity and integrity of heritage items and heritage settings, and heritage area, particularly in the case of Highly Significant ~~(Group 1)~~ heritage items and heritage settings;
 - iii. identify, minimise and manage risks or threats to the structural integrity of the heritage item and the heritage values of the heritage item, or heritage area, including from natural hazards;
 - iv. document the material changes to the heritage item and heritage setting or heritage area;
 - v. be reversible wherever practicable (other than where works are undertaken as a result of damage); and
 - vi. distinguish between new work and existing heritage fabric in a manner that is sensitive to the heritage values.

9.3.2.2.4 Policy – Archaeological sites

- a. Assist Heritage New Zealand Pouhere Taonga in the identification and protection of archaeological sites.

9.3.2.2.5 Policy – Ongoing use of scheduled historic heritage ~~heritage items and heritage settings~~

- a. Provide for the ongoing use and adaptive re-use of heritage items and heritage settings scheduled in Appendix 9.3.7.2 and defining buildings and contributory buildings in heritage areas scheduled in Appendix 9.3.7.3 (in accordance with Policy 9.3.2.2.3), including the following:
 - i. repairs and maintenance;
 - ii. temporary activities;

- iii. specific exemptions to zone and transport rules to provide for the establishment of a wider range of activities;
- iv. alterations, restoration, reconstruction and heritage ~~upgrade~~ **Building Code** works to heritage items, including seismic, fire and access upgrades;
- v. signs on heritage items and within heritage settings; ~~and~~
- vi. ~~new buildings in heritage settings.~~ **Subdivision and new development which maintains or enhances access to heritage items, defining buildings and contributory buildings.**

9.3.2.2.6 Policy – Relocation of heritage items within and beyond heritage settings

- a. Provide for the ~~relocation of a heritage item~~ **of a heritage item** within its heritage setting scheduled in [Appendix 9.3.7.2](#), where the relocation will maintain the heritage significance of the heritage item.
- b. Protect a heritage item from relocation beyond its heritage setting, except:
 - i. when alternatives which retain the item within its heritage setting have been explored, and relocation is demonstrated to be the only reasonable option to provide for the retention and ongoing viable use, including adaptive re-use of the heritage item and maintaining heritage significance; and
 - ii. where the location provides a setting compatible with the item’s heritage value.

9.3.2.2.7 Policy – Utilities

- a. Ensure that utilities, where they are required by their locational, technical or operational requirements to be located within, or on, a heritage item or heritage setting scheduled in [Appendix 9.3.7.2](#) are appropriately designed, located and installed to maintain, as far as practicable, the particular heritage values of that heritage item or heritage setting.

9.3.2.2.8 Policy – Demolition of heritage items

- a. When considering the appropriateness of the demolition of a heritage item scheduled in [Appendix 9.3.7.2](#) **or a defining building or contributory building in a heritage area scheduled in [Appendix 9.3.7.3](#)**, have regard to the following matters:
 - i. whether there is a threat to life and/or property for which interim protection measures would not remove that threat;
 - ii. whether the extent of the work required to retain and/or repair the heritage item **or building** is of such a scale that the heritage values and integrity of the heritage item **or building** would be significantly compromised, **and the heritage item would no longer meet the criteria for scheduling in Policy 9.3.2.2.1;**
 - iii. whether the costs to retain the heritage item **or building** (particularly as a result of damage) would be unreasonable;

- iv. the ability to retain the overall **heritage values** and significance of the **heritage item or building** through a reduced degree of **demolition**; and
- v. the level of significance of the **heritage item**.

9.3.2.2.9 Policy – Awareness and education of historic heritage

- a. Enhance the community’s awareness and understanding of the values of **historic heritage**, including **sites of Ngāi Tahu cultural significance**, through education initiatives.
- b. Promote the use of conservation plans.

9.3.2.2.10 Policy – Incentives and assistance for historic heritage

- a. Provide incentives (including financial incentives) and technical advice to assist in achieving the retention, conservation and ongoing use of **historic heritage**, including earthquake **repairs** and seismic strengthening, in recognition of the public good value of heritage to the community.

9.3.2.2.11 Policy – Future Work Programme

- a. The **Council** will facilitate further identification and assessment of **heritage items**, including interior **heritage fabric**, **heritage settings** and **heritage areas** for inclusion in the **District Plan** over time.

9.3.3 How to interpret and apply the rules

- a. These rules apply to **heritage items** and **heritage settings** scheduled in [Appendix 9.3.7.2](#) – Schedule of Significant Historic Heritage as Highly Significant (Group 1) and Significant (Group 2), and **heritage areas**.
- b. The Planning Maps identify **sites** that contain a **heritage item** and **heritage setting**, and **heritage areas**. Reference should also be made to:
 - i. [Appendix 9.3.7.2](#) - Schedule of Significant Historic Heritage **Items which includes links to the Statement of Significance, Heritage Aerial Map and Planning Map for each heritage item;**
 - ii. [Appendix 9.3.7.3](#) – Schedule of Heritage Areas, **which includes links to the Heritage Area Report and Site Record Forms, Heritage Area Aerial Map, Heritage Area Site Contributions Map, and Heritage Area Interface Sites and Character Area Overlap Map for each heritage area;**
 - iii. ~~[Appendix 9.3.7.7 – The Heritage Aerial Maps.](#)~~ [Appendix 9.3.7.4](#) – **Heritage item and heritage setting exemptions from zone rules**
 - iv. [Appendix 9.3.7.5](#) – **Heritage Works Plan**
 - v. [Appendix 9.3.7.6](#) - **Certificate of Non-Heritage Fabric**

- c. [Appendix 9.3.7.2](#) - Schedule of Significant Historic Heritage **Items** contains the **heritage item**(s) which have met the significance **threshold criteria in [Policy 9.3.2.2.1](#)** and their associated **heritage setting**. ~~Where the **heritage item** is an area of open space, this is stated in the schedule in [Appendix 9.3.7.2](#). Where the interior of **heritage item** is specifically scheduled this is stated in [Appendix 9.3.7.2](#), with the specific interior **heritage fabric** protected for that **heritage item** described in the Register of Interior Heritage Fabric which is a document incorporated by reference in this **District Plan**. **Heritage settings** do not have a status in the Plan which is independent of the **heritage item**. Some open spaces have met the criteria to be **heritage items** in their own right and may also contain other **heritage items** and **heritage settings**, or other structures and features which are not separately scheduled. Where scheduled **heritage items** are located together and have related heritage values they are grouped together as a “place” with a collective name in the schedule in [Appendix 9.3.7.2](#).~~
- d. **Scheduled Interiors – Where interior heritage fabric of a **heritage item** is protected by the rules in [Chapter 9.3](#) this is shown in the Scheduled Interior column in [Appendix 9.3.7.2](#).**
- e. **The Heritage Statement of Significance for each scheduled item and the Residential Heritage Area Record Form and Site Record Forms for each **heritage area** can be accessed from a link in the schedules in [Appendix 9.3.7.2](#) and [Appendix 9.3.7.3](#). Statements of Significance and Residential Heritage Area Record Forms do not form part of the Plan, and are simply a ready reference tool for recording information known to the Council that supported scheduling under [Policy 9.3.2.2.1](#) and [Policy 9.3.2.2.2](#). Statements of Significance and Residential Heritage Area Record Forms may be updated by the Council from time to time if further information becomes available.**
- f. ~~d-~~**The Heritage Aerial Maps – **Heritage Items and Heritage Settings** can be accessed via [Appendix 9.3.7.2](#) by clicking the link in the Heritage Aerial Map Number column next to the for the relevant heritage item in the schedule. The Heritage Aerial Maps show an outline of each **heritage item**. The **heritage item** outline (solid **black** line) shows the extent of the roofline and the footprint of the parts or whole of the features contained within the **heritage item**. The Heritage Aerial Maps also show the extent of the ~~associated settings~~ **heritage setting** (dotted **white** line), **associated with **heritage items**. **Heritage settings** often, which do but** not always, follow cadastral **boundaries**. ~~Some open spaces contain multiple individual **heritage items** and settings and have status as a **heritage item** in their own right. Where scheduled **heritage items** are located together and have related heritage values they are grouped with a collective name in [Appendix 9.3.7.2](#) Schedule of Significant Historic Heritage.~~**
- g. ~~e-~~**The rules that apply to **heritage items** and **heritage settings** scheduled in [Appendix 9.3.7.2](#) and **heritage areas** scheduled in [Appendix 9.3.7.3](#) are contained in the activity status tables (including activity specific standards) in Rules [9.3.4.1.1](#) to [9.3.4.1.6](#). **These rules do not apply to HA1. The matters of discretion for the Akaroa Township Heritage Area in [Rule 9.3.6.3](#) apply when a rule in the Plan is breached.****
- h. ~~f-~~**Activities within **heritage items**, **heritage settings** and **heritage areas** scheduled in [Appendix 9.3.7.2](#) and [9.3.7.3](#) are also subject to the:**
- i. rules contained in other sub-chapters of Chapter 9 Natural and Cultural Heritage;
 - ii. rules in the relevant zone chapters; and

- iii. activity status tables, rules and standards in the following chapters (unless stated otherwise below):
 - 4 Hazardous Substances and Contaminated Land;
 - 5 Natural Hazards;
 - 6 General Rules and Procedures including signs;
 - 7 Transport;
 - 8 Subdivision, Development and Earthworks;
 - 10 Designations and Heritage Orders; and
 - 11 Utilities and Energy.

- i. ~~g-~~ Specific exemptions to zone ~~and transport~~ rules to enable a wider range of activities to establish within scheduled **heritage items** and **heritage settings** are identified in [Appendix 9.3.7.4](#). ~~These specific exemptions only apply where:~~
 - iv. ~~the heritage item is retained in situ; or~~
 - v. ~~resource consent has been granted for relocation of the heritage item within its heritage setting.~~

- j. ~~h-~~ For **signage in or on heritage items** and in **heritage settings** scheduled in [Appendix 9.3.7.2](#) the rules and Matters of Discretion in Chapter ~~6.8~~ apply, as well as those in and Chapter 9.3 apply, except as expressly stated under Rule 9.3.4.1.1 P6 and Rule 9.3.4.1.3 RD7.

- k. ~~i-~~ Activities ~~are permitted~~ in **heritage settings** ~~scheduled identified~~ in [Appendix 9.3.7.2](#) ~~(subject to other rules in this Plan), except for~~ are subject to rules for new buildings in heritage settings (Rule 9.3.4.1.3 RD2), and temporary structures and signage in heritage settings (Rule 9.3.4.1.1 and Rule 9.3.4.1.3 P4, P5 and P6), and earthworks and subdivision (Chapter 8).

- l. ~~j-~~ The rules that relate to **utilities** within or on **heritage items** or **heritage settings** can be found in [Chapter 11](#) Utilities and Energy. The rules in Sub-chapter 9.3 do not apply to **utilities**, other than the matters of discretion in Rule 9.3.6.

- m. ~~k-~~ The rules in [Chapter 11](#) that relate to **heritage items** or **heritage settings** shall not apply to works undertaken to electrical equipment located within **heritage items** in the [Appendix 9.3.7.2](#) - Schedule of Significant Historic Heritage as **heritage item** numbers (HIDs) 201, 207, 489, 544, 600 and 624, where such works are associated with the replacement, repair, maintenance and minor upgrading of the **electricity distribution** network.

~~l. The rules in Chapter 11 that relate to heritage items shall not apply to the Hagley Park heritage item (1395), other than to heritage items and heritage settings individually scheduled in the Schedule of Significant Historic Heritage in Appendix 9.3.7.2.~~

- n. ~~m-~~ The following exemptions apply in relation to [Rule 9.3.4.1](#) - Activity Status Tables:
 - vi. For the Annandale **Woodshed Woolshed** **heritage setting** (12 Starvation Gully Road, **Heritage Setting Number 535**), [Rule 9.3.4.1.3](#) RD1 and RD2 shall not apply to the

modification of, or new stockyards within, the [heritage setting](#) shown on Heritage Aerial Map 476.

- vii. For the Elmwood Park [heritage item \(Heritage Setting Number 243\)](#), the rules for [heritage items](#) shall not apply to the hatched area shown on the Heritage Aerial Map 672.
- viii. For the Hagley Park [heritage item \(HID-Heritage Setting Number 1395\)](#) ~~as identified on the Planning Maps and in Appendix 9.3.7.2~~, the rules for heritage items shall not apply to Hagley Park other than to [heritage items](#) and [heritage settings](#) within Hagley Park individually scheduled in [Appendix 9.3.7.2](#).
- ix. For the Hagley Oval Cricket Pavilion Setting (~~HID-Heritage Setting Number~~ 242) as identified in [Appendix 9.3.7.2](#) and Heritage Aerial Map ~~No.~~93, the rules for heritage settings shall not apply to activities that are permitted by [Rule 18.4.1.1](#) P25 and P26. **However [Rule 18.4.2.8](#) requires protection of the [heritage setting](#) during construction works.**

~~n. The matters of discretion for the Akaroa Heritage Area (HA1) in [Rule 9.3.6.3](#) apply when triggered by a rule in the zone chapter.~~

- ~~o. The Council maintains a record of information held in relation to scheduled [historic heritage](#) in the form of a Heritage Statement of Significance (HSOS). A copy of the relevant HSOS can be accessed via the electronic plan through a link from the group column in [Appendix 9.3.7.2](#) Schedule of Significant Historic Heritage or a hard copy can be requested from the Council. The HSOS does not form part of the plan, and is simply a ready reference tool recording information known to the Council that supported the RMA s32 evaluation for the Chapter. The HSOS may be updated by the Council from time to time, if further information becomes available.~~

Advice note:

1. Reference should also be made to other applicable legislation and requirements including the following:
 - a. The Building Act and Building Code;
 - b. [The Heritage New Zealand Pouhere Taonga Act 2014](#) in relation to any modification or destruction of [archaeological sites](#);
 - c. In relation to [crematoria](#) and [Council-administered cemeteries](#), work involving [monuments](#) ~~may will~~ also require a [permit for Monumental works](#) ~~Work Permit~~ from the [Council](#); and
 - d. Any work affecting [heritage items](#) and [heritage settings](#) scheduled in [Appendix 9.3.7.2](#) which may be subject to heritage orders are required to comply with the separate procedures specified in Part 8 of the [Resource Management Act 1991](#).

9.3.4 Rules – Historic heritage

9.3.4.1 Activity Status Tables

9.3.4.1.1 Permitted activities

- a. The following rules apply to **heritage items** and **heritage settings** scheduled in [Appendix 9.3.7.2](#) or [Appendix 9.3.7.3](#), **(excluding the Akaroa Township-Heritage Area)**, and identified on the Planning Maps.
- b. The activities listed below are permitted activities if they meet the activity specific standards set out in this table.
- c. Activities may also be controlled, restricted discretionary, discretionary, non-complying, or prohibited as specified in Rules [9.3.4.1.2](#) to [9.3.4.1.6](#).
- d. The rules in the table below include restrictions on what may be done with **heritage fabric**. Confirmation that particular fabric is not **heritage fabric**, and therefore is not subject to those rules/standards, can be obtained by obtaining a certificate in accordance with [Appendix 9.3.7.6](#) - **Certification Certificate** of non-heritage fabric.
- e. Exemptions relating to this rule can be found in Rule [9.3.3](#) ~~nm~~.

Activity	Activity specific standards
<p>P1 Maintenance of a heritage item or a building in a heritage area.</p>	<p>a. Any temporary scaffolding must be erected:</p> <ul style="list-style-type: none"> i. without fixing to the heritage item (except where this would breach health and safety requirements) and ii. protective material must be used to prevent damaging the surface of the heritage fabric; or ii. in accordance with the design and/or supervision of a heritage professional and, where the works involve structural changes and the heritage professional is not also a registered architect, a registered architect.
<p>P2 Repairs to a heritage item or to a defining or contributory building in a heritage area, and heritage investigative and temporary works.</p>	<p>a. <u>A scope of works and proposed temporary protection measures are to be submitted to Council’s Heritage team for comment at least 10 working days prior to the work commencing.</u></p> <p>b. a- The heritage fabric removed is shall be limited to the amount necessary to carry out the works repairs.</p> <p>c. <u>Undamaged heritage fabric (excluding core drilling samples), being temporarily removed, shall be recorded, stored and reinstated on completion of the works.</u></p> <p>b- Any repairs shall be undertaken:</p>

Activity		Activity specific standards
		<p>i. in accordance with the following:</p> <p>d. A. any temporary scaffolding must be erected without fixing to the heritage item (except where this would breach health and safety requirements) and protective material must be used to prevent damaging the surface of the heritage fabric;</p> <p>e. B. introduced or new materials and new work shall be identifiable by use of a recognized conservation technique such as date stamping; and</p> <p>f. C. <u>the any</u> area the heritage fabric has been removed from shall be made weathertight; and</p> <p><u>g. a photographic record taken prior to, during the course of the works and on completion, shall be submitted to Council's Heritage team within three months of the completion of the work.</u></p> <p>Or</p> <p>in accordance with the design and/or supervision of a heritage professional, and where the works involve structural changes and the heritage professional is not also a registered architect, a registered architect.</p>
<p>P3</p>	<p>Heritage investigative and temporary works.</p>	<p>a. Heritage fabric removed is limited to the amount necessary to carry out the associated work.</p> <p>b. Any heritage investigative and temporary works shall be undertaken:</p> <p> a. in accordance with the following:</p> <p> A. removed heritage fabric (excluding core drilling samples) shall be recorded, stored, and reinstated on completion of the works; and</p> <p> B. the area the heritage fabric is removed from shall be made weathertight.</p> <p> Or</p> <p> ii. in accordance with the design and/or supervision of a heritage professional, and where the works involve structural changes and the heritage professional is not also a registered architect, a registered architect.</p>
<p>P4 P3</p>	<p>Temporary buildings or structures for events in a heritage item which is an</p>	<p>a. The building or structure is removed within one month after the event.</p>

Activity		Activity specific standards
	open space <u>or in a heritage setting or heritage area.</u>	<p>a. <u>The temporary building(s) or structures must not be erected more than two weeks before or remain on the site for more than two weeks after the event.</u></p> <p>b. <u>There is no permanent change to the heritage item, heritage setting, or heritage area.</u></p>
P5	Temporary buildings or structures for events in a heritage setting.	a. The building or structure is removed within one month after the event.
P6P 4	<p>a. Sign/Signage. Signs attached to buildings which are:</p> <ul style="list-style-type: none"> i. heritage items, ii. located in heritage items which are open spaces, iii. located in heritage settings, or iv. located in heritage areas. <p>Advice note:</p> <p>1. This rule applies to <u>heritage items, and heritage settings and heritage areas,</u> in addition to the rules for <u>signage</u> in Chapter 6. Where the rules in each chapter conflict, this rule will prevail.</p>	<p>a. For signs on heritage items:</p> <ul style="list-style-type: none"> i. protective material must be used to prevent damaging the surface of the heritage fabric, or <p>a. where fixing <u>signs to the heritage item heritage fabric</u> is necessary, the number of fixing points must be limited to the minimum necessary to secure the <u>sign.</u></p> <p>b. For signs in heritage settings:</p> <ul style="list-style-type: none"> i. any sign which is for the purposes of interpretation shall not exceed 1.2 m² in size; and ii. where the road frontage exceeds 50 metres, the maximum sign area shall be 0.5 m² per 50 metres of road frontage or part thereof, and the maximum area of any individual sign shall be 2 m². Any sign exceeding 0.5 m² in area shall be separated from other signs by a minimum of 10 metres. <p>c. Signs must not flash or move.</p>
P7P 5	Development (i.e. <u>buildings and earthworks</u>) on sites located above <u>Second World War Bunkers/Cracroft Caverns (HID 634)</u> Moncks Cave (HID 1367), Moa Bone Point Cave (HID351), and the Lyttelton Rail Tunnel (HID 760).	<p>a. Any building or earthworks must avoid direct or indirect (i.e. vibration) impact on the underground heritage item.</p> <p>a. <u>Details of temporary protection measures to be put in place to mitigate potential vibration impact on the underground heritage item must be provided to Council's Heritage team for comment at least 5 working days prior to the works commencing.</u></p>

Activity		Activity specific standards
P8 P6	Regardless of any other rule, demolition, partial demolition or deconstruction works in relation to of a heritage item authorised by legislation or regulations that respond to a natural disaster or a State of Emergency.	a. Regardless of any other rule, demolition or deconstruction works carried out under section 38 of the Canterbury Earthquake Recovery Act 2011. Nil
P7	Regardless of any other rule, demolition or partial demolition or deconstruction of a bach at Boulder Bay or Taylors Mistake Bay scheduled in Appendix 9.3.7.2, where the licence to occupy is cancelled.	Nil
P9 P8	Replacement of buildings, structures or features (which are not listed separately as a heritage item) in a heritage setting or a heritage item which is an open space, where the replacement building, structure or feature is required as a result of damage sustained in the Canterbury earthquakes of 2010 and 2011. a. Alteration , relocation or demolition of a building, structure or feature in a heritage setting, where the building, structure or feature is not individually scheduled as a heritage item. b. This rule does not apply to works subject to rules 9.3.4.1.3 RD1 and RD2.	Nil. Nil

Activity		Activity specific standards
P10 P9	Heritage upgrade-Building Code works, reconstruction or restoration for: a. Highly Significant (Group 1) heritage items, where the works are required as a result of damage; or b. Significant (Group 2) heritage items.	a. The works shall be undertaken in accordance with the certified h Heritage w Works p Plan prepared, and certified by the Council, in accordance with Appendix 9.3.7.5 .
P11	Reconstruction or restoration for: a. Highly Significant (Group 1) heritage items, where the works are required as a result of damage; or b. Significant (Group 2) heritage items.	a. The works shall be undertaken in accordance with the certified heritage works plan prepared, and certified by the Council, in accordance with Appendix 9.3.7.5.
P12	Temporary lifting of a damaged heritage item for the purposes of heritage investigative and temporary works or repair.	a. The heritage item shall not be lifted to a height exceeding 3 metres above any relevant recession plane in the applicable zone. b. The heritage item must be lowered back to its original position within 12 weeks of the lifting works having first commenced. c. The lifting and lowering shall be undertaken in accordance with the design and/or supervision of a heritage professional and, where the works involve structural changes and the heritage professional is not also a registered architect, a registered architect. d. If the heritage item is located in a residential zone, the owners/occupiers of land adjoining the site shall be informed of the work at least seven days prior to the lifting of the heritage item occurring. The information provided shall include details of a contact person, details of the lift, and the duration of the lift. e. The Council shall be notified at least seven days prior to the lift occurring. The notification must include details of the lift, property address, contact details and intended start date.
P13 P10	Installation, modification or removal of electrical, plumbing, heating, cooling, ventilation, lighting, audio-visual, cooking, hot or cold water, security and/or other	a. Where the works affect heritage fabric, they must be undertaken in accordance with the a design which has been reviewed by and/or supervision of a heritage professional and where the works involve structural changes and the heritage professional is not also a registered architect, a registered architect.

Activity		Activity specific standards
	service systems and <u>associated</u> fixtures which form part of heritage items .	b. <u>The heritage professional must submit the design of the works to Council's Heritage team for comment at least 5 working days prior to the works commencing.</u>
<u>P11</u>	<u>Works to monuments in church graveyards, and in cemeteries scheduled in Appendix 9.3.7.2.</u> <u>Advice Note: In relation to Council-administered cemeteries, works involving monuments will require a permit for monumental works from the Council.</u>	<u>Nil</u>
<u>P12</u>	<u>In a Residential Heritage Area, demolition or relocation of a neutral building or intrusive building.</u>	<u>Nil</u>
<u>P13</u>	<u>In a Residential Heritage Area, new road boundary fences or walls of up to 1.5m in height.</u>	<u>Nil</u>
<u>P14</u>	<u>In relation to a heritage item which is an open space, transplanting of a mature tree, or removal of a mature tree which is dead, in a state of irreversible decline, or structurally unsound.</u>	<u>The need for removal has been certified by a technician arborist, in accordance with Appendix 9.4.7.3 Tree removal certificate.</u>

9.3.4.1.2 Controlled activities

- a. The following rules apply to **heritage items** and **heritage settings** scheduled in **Appendix 9.3.7.2** and identified on the Planning Maps.
- b. The activities listed below are controlled activities.

- c. Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 9.3.5, as set out in the following table.
- d. ~~The rules in the table below include restrictions on what may be done with heritage fabric. Confirmation that particular fabric is not heritage fabric, and therefore is not subject to those rules/standards, can be obtained by obtaining a certificate in accordance with Appendix 9.3.7.6 – Certification of non-heritage fabric.~~
- e. d. Exemptions relating to this rule can be found in Rule 9.3.3 nm.
- f. e. Any resource consent application arising from Rules 9.3.4.1.2 C1, C2, C3, C4 and C5 shall not be limited or publicly notified.

Activity	The Council’s control shall be limited to the following matters:
<p>C1 Heritage upgrade works for:</p> <p>a. Highly Significant (Group 1) heritage items where either the works do not meet the activity specific standards in Rule 9.3.4.1.1 P10, or are not as a result of damage; or</p> <p>b. Significant (Group 2) heritage items which do not meet the activity specific standards in Rule 9.3.4.1.1 P10.</p>	<p>a. Heritage upgrade works, reconstruction and restoration – Rule 9.3.5.1.</p>
<p>C2 Reconstruction or restoration for:</p> <p>a. Highly Significant (Group 1) heritage items where either the works do not meet the activity specific standards in Rule 9.3.4.1.1 P11, or are not as a result of damage; or</p> <p>b. Significant (Group 2) heritage items which do not meet the activity specific standards in Rule 9.3.4.1.1 P11.</p>	<p>a. Heritage upgrade works, reconstruction and restoration – Rule 9.3.5.1</p>
<p>C3 C1</p> <p>a. Demolition, partial demolition or deconstruction of the Cathedral of the Blessed Sacrament (H46), other than where provided in Rule 9.3.4.1.1 P8.</p> <p>b. Works to Demolition or partial demolition of Christchurch–Christ Church Cathedral (H106), or the Citizens’ War Memorial (HID107) which fall within the scope of the Christ Church Cathedral Reinstatement Order 2020. other than provided for in Rule 9.3.4.1.1 P8, for the purposes of restoration and/or reconstruction and where the resource</p>	<p>a. Demolition, partial demolition or deconstruction of the Cathedral of the Blessed Sacrament and Christchurch Cathedral – Rule 9.3.5.2.</p> <p>a. <u>Matters of Control contained in the Christ Church Cathedral Reinstatement Order 2020.</u></p>

Activity		The Council's control shall be limited to the following matters:
	<p>consent application for this activity (C3) is made in conjunction with:</p> <p>i. a resource consent application for restoration and/or reconstruction in accordance with Rule 9.3.4.1.2 C2; or</p> <p>ii. the restoration and/or reconstruction activity provided for in a heritage works plan certified in accordance with Rule 9.3.4.1.1 P11</p> <p>Advice note:</p> <p>1. -Deconstruction for b. is included within reconstruction and restoration.</p> <p><u>Rules 15.11.1.2 C2 and 15.11.1.3 RD9 in Chapter 15 on urban design are also relevant to works at 100 Cathedral Square.</u></p>	
C4	<p>a. Temporary lifting of a damaged heritage item for the purposes of heritage investigative and temporary works or repair which does not meet one or more of the activity specific standards in Rule 9.3.4.1.1 P12.</p>	<p>a. Temporary lifting or temporary moving – Rule 9.3.5.3</p>
C5	<p>a. Temporary moving of a damaged heritage item for the purposes of heritage investigative and temporary works or repairs.</p>	<p>a. Temporary lifting or temporary moving – Rule 9.3.5.3</p>

9.3.4.1.3 Restricted discretionary activities

- a. The following rules apply to **heritage items, and heritage settings, and heritage areas** scheduled in **Appendix 9.3.7.2 or Appendix 9.3.7.3 (excluding the Akaroa Township Heritage Area)**, and identified on the Planning Maps.
- b. The activities listed below are restricted discretionary activities.
- c. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion in Rule 9.3.6, as set out in the following table.
- ~~d. The rules in the table below include restrictions on what may be done with heritage fabric. Confirmation that particular fabric is not heritage fabric, and therefore is not subject to those rules/standards, can be obtained by obtaining a certificate in accordance with Appendix 9.3.7.6 – Certification of non-heritage fabric.~~

e. d. Exemptions relating to this rule can be found in Rule 9.3.3 nm.

Activity	The Council’s discretion shall be limited to the following matters
<p>RD1</p> <p>a. Alteration of a heritage item of a heritage item or heritage fabric, other than provided in: i. Rule 9.3.4.1.1 P8 and P13; and ii. Rule 9.3.4.1.2 C3.</p> <p>b. <u>Where the building is in a heritage area but is not a heritage item, Rule 9.3.4.1.3 RD6 will apply instead.</u></p>	<p>a. <u>Heritage items and heritage settings – Alterations, relocation, temporary event structures, signage and replacement of buildings - Rule 9.3.6.1.</u></p> <p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p> <p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p>
<p>RD2</p> <p>a. New buildings in a heritage setting; new buildings, structures or features in a heritage item which is an open space other than provided for in Rule 9.3.4.1.1 P9.</p>	<p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p> <p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Heritage items and Settings – Rule 9.3.6.1</p>
<p>RD3</p> <p>a. New buildings, structures or features located within an open space which is a heritage item other than provided for in Rule 9.3.4.1.1 P9.</p>	<p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p>
<p>RD4RD3</p> <p>a. <u>Relocation of a heritage item of a heritage item within its heritage setting.</u></p>	<p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p>
<p>RD5RD4</p> <p>a. Any activity listed in Rule 9.3.4.1.1 <u>Permitted Activities P1, P2, P3, or P7</u> that does not meet one or more of the activity specific standards.</p> <p>b. Any application arising from <u>non-compliance with an activity specific standard in Rule 9.3.4.1.1 P1, P2, P4, or P5</u> this rule shall not be limited or publicly notified.</p>	<p>a. Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1</p>
<p>RD6</p> <p>a. Any activity listed in Rule 9.3.4.1.1 P4 or P5 that does not meet the activity specific standard.</p> <p>b. Any application arising from this rule shall not be limited or publicly notified.</p>	
<p>RD7</p> <p>a. Any activity listed in Rule 9.3.4.1.1 P6 that does not meet one or more of the activity specific standards.</p>	<p>a. <u>Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings – Rule 9.3.6.1 (e).</u></p>

Activity	The Council's discretion shall be limited to the following matters
RD8-RD5	<p>a. Demolition of Christchurch Christ Church Cathedral (H106), other than provided for in Rule 9.3.4.1.1 P6P8 and Rule 9.3.4.1.2 C3 C1.</p>
RD6	<p>a. <u>Matters of discretion for Residential Heritage Areas (excluding Akaroa Township Heritage Area) - Rule 9.3.6.4.</u></p> <p>b. <u>Where the site is also located in a Character Area, the Matters of discretion for Character Areas in Rule 14.15.27.</u></p> <p>a. <u>In a Residential Heritage Area</u></p> <p>i. <u>new buildings and alteration to building exteriors</u></p> <p>ii. <u>new road boundary fences and walls over 1.5 metres in height and alteration to road boundary fences and walls which are or will be over 1.5 metres in height.</u></p> <p>c. <u>Where the building is a heritage item scheduled in Appendix 9.3.7.2, Rule 9.3.4.1.3 RD1 or RD2 will apply instead.</u></p> <p>d. <u>This rule does not apply to:</u></p> <p>v. <u>buildings that are located to the rear of the main residential unit on the site and are less than 5 metres in height;</u></p> <p>vi. <u>alteration to exteriors of neutral buildings or intrusive buildings where the alteration is not visible from the street;</u></p> <p>vii. <u>fences and walls on side or rear boundaries;</u></p> <p>viii. <u>the installation of sustainability or energy conservation features such as double glazing (where windows are not changed in shape, size or frame materials), solar panels, and water capture tanks.</u></p> <p>Advice note: New buildings in Residential Heritage Areas in RD6 a.i., including those located in heritage settings, are also subject to the Built Form Standards for Residential Heritage Areas in Rule 14.5.3.2</p>

Activity	The Council's discretion shall be limited to the following matters	
	<u>and Rule 14.8.3.2.</u>	
RD7	<u>In a Residential Heritage Area Demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2, in which case Rule 9.3.4.1.3 RD3, 9.3.4.1.4 D1, D2 or 9.3.4.1.5 NC1 will apply instead.</u>	<ul style="list-style-type: none"> a. <u>Matters of discretion for demolition in Residential Heritage Areas (excluding Akaroa Township Heritage Area) - Rule 9.3.6.5.</u> b. <u>Where the site is also located in a Character Area, the Matters of discretion for Character Areas in Rule 14.15.27.</u>
RD8	<p><u>Any new building (except buildings of less than 5 metres in height) on a site in the High Density Residential Zone or Residential Visitor Accommodation Zone which is located outside a Residential Heritage Area but shares a boundary with a site or sites in a Residential Heritage Area.</u></p> <p><u>Advice note: Appendix 9.3.7.9 - Residential Heritage Areas identifies the sites which are subject to this rule.</u></p>	<ul style="list-style-type: none"> a. <u>Matters of discretion for HDR zone and RVA zone sites sharing a boundary with a Residential Heritage Area - Rule 9.3.6.6.</u>

9.3.4.1.4 Discretionary activities

- a. The following rules apply to heritage items and heritage settings scheduled in Appendix 9.3.7.2 and identified on the Planning Maps.
- b. The activities listed below are discretionary activities.
- c. Exemptions relating to this rule can be found in Rule 9.3.3 ~~nm~~.

Activity	
D1	Relocation of a heritage item of a heritage item beyond its heritage setting.
D2	Demolition of a Significant (Group 2) heritage item.

9.3.4.1.5 Non-complying activities

- a. The following rules apply to heritage items and heritage settings scheduled in Appendix 9.3.7.2 and identified on the Planning Maps.

- b. The activities listed below are non-complying activities.
- c. Exemptions relating to this rule can be found in Rule 9.3.3 ~~nm~~.

Activity	
NC1	<ul style="list-style-type: none"> a. Demolition of a Highly Significant (Group 1) heritage item. b. This rule does not apply to the demolition of the following: <ul style="list-style-type: none"> i. Cathedral of the Blessed Sacrament (H46) (see Rule 9.3.4.1.1 P8 and Rule 9.3.4.1.2 C3); and ii. Christchurch Christ Church Cathedral (H106) (see Rule 9.3.4.1.1 P8P6, Rule 9.3.4.1.2 C3C1, and Rule 9.3.4.1.3 RD8RD5).

9.3.4.1.6 Prohibited activities

There are no prohibited activities.

~~9.3.5 Rules – Matters of control~~

~~9.3.5.1 Heritage upgrade works, reconstruction and restoration~~

- ~~a. The form, materials, and methodologies to be used to maintain heritage values, including integration with, and connection to other parts of the heritage item;~~
- ~~b. The methodologies to be used to protect the heritage item during heritage upgrade works, reconstruction and restoration;~~
- ~~c. Documentation of change during the course of works, and on completion of work by such means as photographic recording; and~~
- ~~d. Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.~~

~~9.3.5.2 Demolition, partial demolition or deconstruction – Cathedral of the Blessed Sacrament and Christchurch Cathedral~~

- ~~a. The methodology for deconstruction in the case of the Cathedral of the Blessed Sacrament, and for partial demolition and demolition, including the phasing of the works, any heritage fabric which is to be retained, and how any heritage fabric to be retained is to be stored.~~
- ~~b. A photographic record of the heritage item, including prior to, during the course of the works and on completion.~~

- ~~c. Any mitigation measures, such as installation of interpretative panels on the site that identify the history and significance of the heritage item, and may include photographs, text and architectural plans of the building.~~
- ~~d. In the case of Christchurch Cathedral, conditions to ensure that the demolition or partial demolition is undertaken in conjunction with reconstruction and/or restoration.~~

~~9.3.5.3 Temporary lifting or temporary moving of a damaged heritage item for the purposes of heritage investigative works or repair~~

- ~~a. Measures to avoid or mitigate damage to the heritage item during temporary lifting or moving;~~
- ~~b. The duration of time that the item is to be lifted or moved; and~~
- ~~c. Measures to avoid or mitigate the effects of the temporary lifting or moving on neighbouring properties.~~

9.3.6 Rules – Matters of discretion

9.3.6.1 Heritage items and heritage settings – ~~Alterations, new buildings, relocations, temporary event structures, signage and replacement of buildings~~

For all activities

- ~~a. The nature and extent of damage incurred as a result of the Canterbury earthquakes of 2010 and 2011 including the costs of repair and reconstruction.~~
- ~~a. b.~~ The level of intervention necessary to carry change involved in carrying out the works, including to meet the requirements of the Building Act and Building Code, and alternative solutions considered.
- ~~b. c.~~ Whether the proposal will provide for ongoing and viable uses, including adaptive reuse, of the heritage item.
- ~~c. d.~~ Whether the proposal, including the form, materials and methodologies are consistent with maintaining the heritage values and level of significance of heritage items, and the heritage values of heritage settings, which are on the site or an adjoining site, and whether the proposal will enhance heritage values, particularly in the case of Highly Significant **(Group 1)** heritage items and heritage settings and in particular will have regard to:
 - i. the form, scale, mass, materials, colour, design (including the ratio of solid to void), detailing (including the appearance and profile of materials used), and location of the heritage item;
 - ii. the use retention and integration of existing heritage fabric;

- iii. the **purpose and** extent of **earthworks** necessary as part of the proposal **including area, depth and location of, and methodology for earthworks;**
 - iv. the **options for retaining mature trees, or the** necessity of the removal or transplanting of mature trees;
 - v. the impact on public places; and
 - vi. within a **heritage setting, or heritage item which is an open space,** the relationship between elements, such as layout and orientation, form and materials.
- d. ~~e.~~ The extent to which the works are in accordance with the principles in **Policy 9.3.2.2.3 b.,** and whether the proposal:
- i. is supported by a conservation plan or expert heritage report **which provides for the ongoing retention, use or adaptive reuse, conservation and maintenance of the heritage item and heritage setting;** and
 - ii. the extent to which it is consistent with the Heritage Statement of Significance and Conservation Plan and the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- ~~e. f.~~ Whether the proposed work will have a temporary or permanent adverse effect on **heritage fabric, layout, form, or heritage values or significance of heritage items or settings on the site or an adjoining site,** and the scale of that effect, and any positive effects on **heritage fabric, fabric,** form or values.
- ~~f. g.~~ The extent to which the **heritage fabric or heritage values** ~~has have~~ been damaged by natural events, weather and environmental factors and the necessity **and practicality** of work to prevent further deterioration.
- ~~g. h.~~ Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.
- ~~h. i.~~ Whether the site has cultural or spiritual significance to **Tangata Whenua mana whenua** and the outcome of any consultation undertaken with **Te Rūnanga o Ngāi Tahu and** Papatipu Rūnanga.
- ~~i. j.~~ The extent to which mitigation measures are proposed to be implemented to protect the **heritage item and heritage setting.** Such mitigation measures include but are not limited to the use of ~~a~~ temporary protection **plan measures.**
- ~~j. k.~~ The extent of photographic recording which is necessary to document changes, including prior to, during the course of the works and on completion. ~~particularly~~ In the case of Highly Significant **(Group 1) heritage items, particularly,** the need for a high level of photographic recording throughout the process of the works, including prior to the works commencing.

k. Additional matters of discretion for new buildings in heritage settings and For new buildings, structures ~~and/~~ or features in heritage items which are open spaces, ~~whether the building, structure or feature will:~~

- i. be compatible with, the heritage fabric, values and significance of the heritage item including design, detailing and location of heritage item(s) within the open space or heritage setting;
- ii. impact on views to or from the heritage item(s); ~~and reduce the visibility of heritage item(s) from public places; and~~
- iii. impact on public places and historic street form, or reduce the visibility of heritage item(s) from public places; and
- iv. ~~iii- impact on~~ the relationship between elements, such as the layout and orientation, form, spaces and materials within the open space or heritage setting; and
- v. provide for access and use or adaptive reuse of the heritage item

l. Additional matters of discretion for ~~For~~ the relocation ~~of a heritage items~~ of a heritage item:

- i. whether the new location and orientation of the heritage item will maintain the heritage values and significance of the heritage item;
- ii. whether alternative solutions have been considered, including repairs, reconstruction, heritage ~~upgrade~~ Building Code works, and restoration in situ; and
- iii. the potential damage to heritage fabric during relocation and whether repairs will be required, and what mitigation measures are proposed, including the use of temporary protection ~~plan~~ measures.

m. Additional matters of discretion for ~~For~~ temporary event structures in heritage items which are open spaces and in heritage settings:

- i. the duration the temporary event structure will remain within the heritage item or heritage setting; and
- ii. ~~whether the temporary event structures will~~ impacts on heritage fabric or on views to or from the heritage item(s) or heritage setting, and ~~reduce the on the~~ visibility of heritage item(s) from public places.

n. Additional matters of discretion for ~~For~~ signage on or in heritage items and in heritage settings:

- i. whether the sign (including its supporting structure and methods of attachment to the heritage item) is compatible with the architectural form, features, fabric and heritage values of the heritage item or heritage setting;
- ii. ~~the extent to which any moving or flashing signs detract from the heritage values of the heritage item and/or heritage setting; and~~

ii. ~~iii~~-whether the **sign** is temporary or permanent, and if temporary, the duration of the **signage**- and

iii. benefits of appropriate interpretation signage which records the history of the site.

o. ~~p~~ Additional matters of discretion for ~~For~~ utilities

i. the functional need to be located in or in proximity to **heritage items** and **heritage settings**- And

ii. how the location of the proposed utility provides for **heritage values**.

p. Additional matters of discretion for **heritage items located within a Residential Heritage Area**

i. 9.3.6.4 and 9.3.6.5 Residential Heritage Areas.

9.3.6.2 Demolition of ~~Christchurch~~ Christ Church Cathedral

- a. Whether the engineering requirements and associated costs of retaining the Cathedral in whole or in part are unreasonable.
- b. Whether there is a threat to life and/or property as a result of the condition of the **building**.
- c. Where **demolition** of the whole or a substantial part of **building** is proposed, whether resource consent has been applied for and/or has been granted for a replacement **building** in accordance with Rules **15.101.1.2** C2 and **15.101.1.3** RD9.
- d. The methodology for **demolition** including the phasing of the works, **heritage fabric** to be retained, and how any **heritage fabric** to be retained is to be stored.
- e. Any mitigation measures, such as installation of interpretative panels on the **site** that identify the history and significance of the **heritage item**, and may include photographs, text and architectural plans of the **building**.

9.3.6.3 Akaroa Township Heritage Area

- a. In considering whether or not to grant consent or impose conditions in respect of proposals in the Akaroa Heritage Area (HA1), **where a rule in the Plan is breached**, the Council shall have regard to the following matters of discretion:
 - i. Whether the scale, form, design and location of development and **subdivision**, will maintain or enhance the **heritage values** and significance of the **heritage area**.

- ii. Whether development, including new buildings or additions to buildings **and fencing**, will impact on views to or from any heritage item or heritage setting within the heritage area, and whether the visibility of any heritage item from public places will be reduced.
- iii. Where relevant, the extent to which the proposal is consistent with Appendix 15.15.7 Design Guidelines – Akaroa Commercial Banks Peninsula Zone.
- iv. Whether the Akaroa Design and Appearance Advisory Committee has been consulted and the outcome of that consultation.
- v. Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.

9.3.6.4 Residential Heritage Areas (excluding Akaroa Township Heritage Area) - new buildings, fences and walls, and exterior alterations to buildings

- a. Whether the proposal is consistent with maintaining or enhancing the heritage values of the building, fence or wall, and primarily the collective heritage values and significance of the heritage area, and secondarily the heritage values of the building, fence or wall, in particular having regard to the following matters of discretion where applicable:
- i. the scale, form, mass, rooflines, materials, colour, design, and detailing of the defining buildings and contributory buildings within the heritage area;
 - ii. the relationship between elements in the heritage area including the existing pattern of subdivision, pattern of buildings and fencing including height, materials and permeability of fencing and walls, layout and orientation on sites, and setbacks from streets;
 - iii. the purpose and extent of earthworks necessary as part of the proposal;
 - iv. the extent and scale of vegetation removed, retained or provided;
 - v. the impact on public places and the street scene, including avoiding the location of parking areas and garaging within the road boundary setback;
 - vi. the impact of the proposal on views to and from the Residential Heritage Area;
 - vii. the provision of access and use or adaptive reuse of defining buildings and contributory buildings.

Additional matters of discretion for alteration to building exteriors

- ix. retention, and integration of existing building fabric, form, appearance, and heritage values;
- ~~x. the methodologies to be used in undertaking the works including temporary protection measures;~~
- xii. the heritage values of the building and whether the building is a defining building, contributory building, neutral building or intrusive building.

- e. The extent to which the proposal is consistent with the Council's heritage report for the Residential Heritage Area concerned, and the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value (ICOMOS New Zealand Charter 2010).
- f. Whether the proposal will provide for retention of a building or ongoing and viable use, including adaptive reuse.
- ~~g. Whether Heritage New Zealand Pouhere Taonga has been consulted and the outcome of that consultation.~~
- h. Whether the site has cultural or spiritual significance to mana whenua or is to be used for Papakāinga/Kāinga Nohoanga and the outcome of any consultation undertaken with Papatipu Rūnanga.

9.3.6.5 Residential Heritage Areas (excluding Akaroa Township Heritage Area) – demolition or relocation of a defining building or contributory building

- a. The effect of the works on the heritage values of the building or site and the collective heritage values and significance of the heritage area, including the overall integrity and coherence of the heritage area.
- b. Whether the building is a defining building or contributory building.
- c. The extent to which the heritage fabric or heritage values have been damaged by natural events, weather and environmental factors, and the necessity and practicality of work to prevent further deterioration.
- d. Whether the costs to retain the building on site would be unreasonable.
- e. The ability to retain the overall heritage values of the building through an alternative proposal.
- f. The extent of photographic documentation that will occur prior to, during and on completion of the works.

9.3.6.6 Sites in the High Density Residential Zone and Residential Visitor Accommodation Zone Sharing a boundary with a Residential Heritage Area

- a. Whether the proposed building's location, design, scale and form will impact on the heritage values of the site or sites within the Residential Heritage Area, and of the Area as a whole;
- b. Whether the proposed building would visually dominate the site or sites within the Residential Heritage Area or reduce the visibility of the site or sites to or from a road or other public space.

9.3.7 Appendices

Appendix 9.3.7.1 Criteria for the assessment of significance of heritage values

a. Historical and social value:

Historical and social values that demonstrate or are associated with: a particular person, group, organisation, institution, event, phase or activity; the continuity and/or change of a phase or activity; social, historical, traditional, economic, political or other patterns;

b. Cultural and spiritual value:

Cultural and spiritual values that demonstrate or are associated with the distinctive characteristics of a way of life, philosophy, tradition, religion, or other belief, including: the symbolic or commemorative value of the place; significance to Tangata Whenua; and/or associations with an identifiable group and esteemed by this group for its cultural values;

c. Architectural and aesthetic value:

Architectural and aesthetic values that demonstrate or are associated with: a particular style, period or designer, design values, form, scale, colour, texture and material of the place;

d. Technological and craftsmanship value:

Technological and craftsmanship values that demonstrate or are associated with: the nature and use of materials, finishes and/or technological or constructional methods which were innovative, or of notable quality for the period;

e. Contextual value:

Contextual values that demonstrate or are associated with: a relationship to the environment (constructed and natural), a landscape, setting, group, precinct or streetscape; a degree of consistency in terms of type, scale, form, materials, texture, colour, style and/or detail; recognised landmarks and landscape which are recognised and contribute to the unique identity of the environment; and

f. Archaeological and scientific significance value:

Archaeological or scientific values that demonstrate or are associated with: the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological or other values of past events, activities, structures or people.

Appendix 9.3.7.2 Schedule of Significant Historic Heritage Items

Not shown here as not the subject of this evidence – see evidence of Mrs Suzanne Richmond

Appendix 9.3.7.3 Schedule of Significant Historic Heritage Areas

Part A - Akaroa Township Heritage Area					
ID Number	Planning Map Number	Name and / or Description	Location		
HA1	77C, H35C, H36C, H37C, R5C	Akaroa Township Heritage Area	<p>a. Akaroa Township Heritage Area includes residential, commercial and open space areas along the waterfront of Akaroa Harbour. The area includes the Garden of Tane, L’Aube Hill Reserve, French Cemetery, Stanley Park and Daly’s Wharf.</p> <p>b. Refer to Appendix 9.3.7.3.1 for the schedule reference map showing the location of this heritage area.</p>		
Part B – Residential Heritage Areas					
<p>Advice Note: For each of the heritage areas below, refer to the links to the Heritage Area Report and Site Record Forms, the Heritage Area Aerial Map and the Site Contributions Map. The Heritage Area Aerial Map shows the sites located within the Residential Heritage Area. The Site Contributions Map identifies the contribution category for each site in the Residential Heritage Area: defining building, contributory building, intrusive building or site, or neutral building or site. The Residential Heritage Area Interface Sites and Character Area Overlap Map shows sites that share a boundary with a heritage area which are subject to Rule 9.3.4.1.3 RD8, and sites located in both a Character Area and a Residential Heritage Area.</p>					
	Heritage Area Report and Site Record Forms	Location	Heritage Area Aerial Map	Heritage Area Site Contributions Map	Heritage Area Interface Sites and Character Area Overlap Map
HA2	Chester Street East/Dawson Street	a. <u>All properties in the section of Chester Street East between Madras</u>	Appendix 9.3.7.7.1	Appendix 9.3.7.8.1	Appendix 9.3.7.9.1

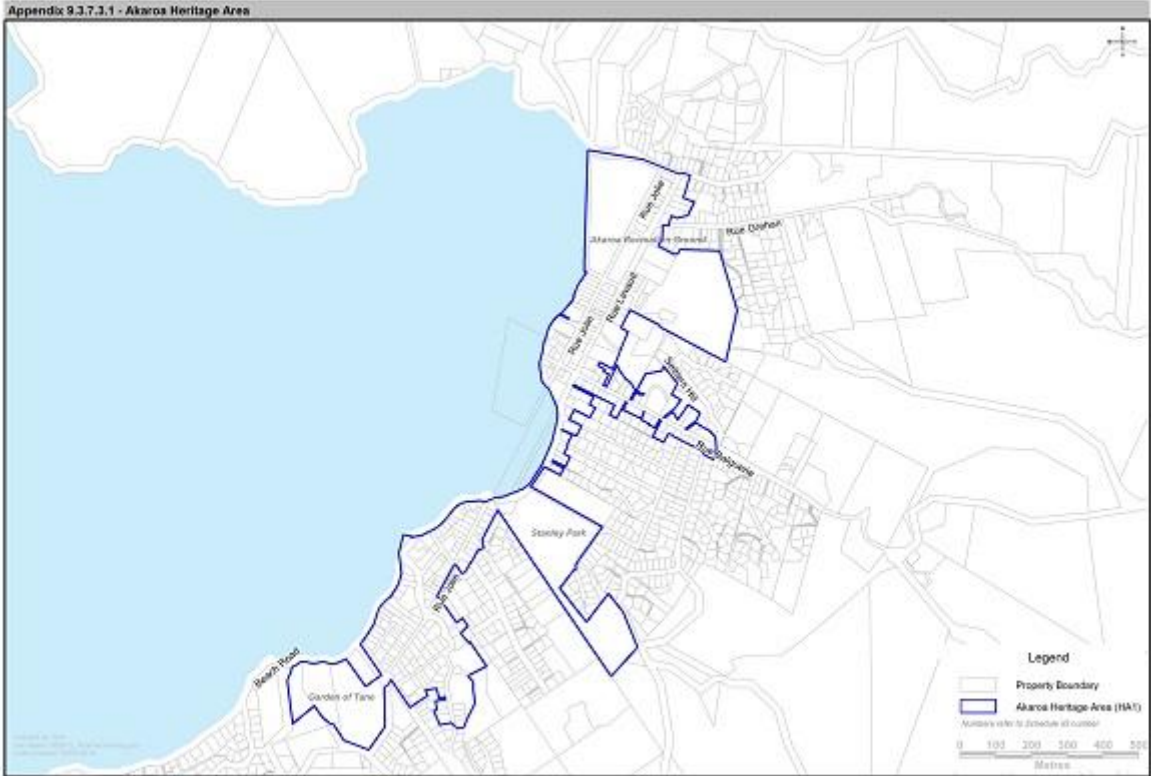
	<u>Residential Heritage Area</u>	<u>Street in the west and up to and including the Chester Street Reserve and 147 Chester Street in the east, and all properties in Dawson Street.</u>			
<u>HA3</u>	<u>Church Property Trustees North St Albans Subdivision (1923) Residential Heritage Area</u>	a. <u>The properties in Gosset, Carrington and Jacob Streets, and parts of Malvern, Rutland and Westminster Streets, Roosevelt Avenue and Innes Road, and also Malvern and Rugby Parks.</u>	<u>Appendix 9.3.7.7.2</u>	<u>Appendix 9.3.7.8.2</u>	<u>Appendix 9.3.7.9.2</u>
<u>HA4</u>	<u>Englefield Avonville Residential Heritage Area</u>	a. <u>All properties in the block bounded by the Avon River and Avonside Drive, Fitzgerald Avenue, Hanmer Street and Elm Grove. Includes both sides of Elm Grove and Hanmer Street excluding the southernmost property on each side of Hanmer Street.</u>	<u>Appendix 9.3.7.7.3</u>	<u>Appendix 9.3.7.8.3</u>	<u>Appendix 9.3.7.9.3</u>
<u>HA5</u>	<u>Heaton Street Residential Heritage Area</u>	a. <u>Properties on the south side of the roadway, bounded to the west by</u>	<u>Appendix 9.3.7.7.4</u>	<u>Appendix 9.3.7.8.4</u>	<u>Appendix 9.3.7.9.4</u>

		<u>Taylor’s Drain and to the east by the grounds of St George’s Hospital, and also including Elmwood Park.</u>			
<u>HA6</u>	<u>Inner City West Residential Heritage Area</u>	a. <u>All properties on City blocks from the northern side of Cashel Street to the northern side of Armagh Street, between Rolleston Avenue and Montreal Street, with the exception of the block containing the Arts Centre Te Matatiki Toi Ora.</u>	<u>Appendix 9.3.7.7.5</u>	<u>Appendix 9.3.7.8.5</u>	<u>Appendix 9.3.7.9.5</u>
<u>HA7</u>	<u>Lyttelton Residential Heritage Area</u>	a. <u>Most of the residential areas of the township excluding the port area and areas with commercial zoning.</u>	<u>Appendix 9.3.7.7.6</u>	<u>Appendix 9.3.7.8.6</u>	<u>Appendix 9.3.7.9.6</u>
<u>HA8</u>	<u>Macmillan Avenue Residential Heritage Area</u>	a. <u>Properties on the eastern section of Macmillan Avenue and the north side of Whisby Road.</u>	<u>Appendix 9.3.7.7.7</u>	<u>Appendix 9.3.7.8.7</u>	<u>Appendix 9.3.7.9.7</u>
<u>HA9</u>	<u>Piko/Shand (Riccarton Block) State Housing</u>	a. <u>All properties including reserves in Tara Street and Piko Crescent and parts of Shand Crescent (including reserves),</u>	<u>Appendix 9.3.7.7.8</u>	<u>Appendix 9.3.7.8.8</u>	<u>Appendix 9.3.7.9.8</u>

Appendix

	<u>Residential Heritage Area</u>	<u>Paeroa and Peveler Streets and Centennial Avenue, Riccarton.</u>			
<u>HA10</u>	<u>RNZAF Station Wigram Staff Housing Residential Heritage Area</u>	a. <u>Former officer accommodation, the No 1 Officers' Mess and Brevet Garden in Henry Wigram Drive and former air force personnel housing in Corsair Drive, Grebe Place, Springs Road and Caudron Road.</u>	<u>Appendix 9.3.7.7.9</u>	<u>Appendix 9.3.7.8.9</u>	<u>Appendix 9.3.7.9.9</u>
<u>HA11</u>	<u>Shelley/Forbes Street Residential Heritage Area</u>	a. <u>Properties in Shelley Street, the northern portion of Forbes Street (excluding 17B) and part of the north side of Beaumont Street</u>	<u>Appendix 9.3.7.7.10</u>	<u>Appendix 9.3.7.8.10</u>	<u>Appendix 9.3.7.9.10</u>
<u>HA12</u>	<u>Wayside Avenue 'Parade of Homes' Residential Heritage Area</u>	a. <u>Properties in the southern section of Wayside Avenue in Bryndwr connecting with Guildford Street to the south and Flay Crescent to the west.</u>	<u>Appendix 9.3.7.7.11</u>	<u>Appendix 9.3.7.8.11</u>	<u>Appendix 9.3.7.9.11</u>

9.3.7.3.1 - Akaroa Heritage Area map



Appendix 9.3.7.4 - Heritage item and heritage setting exemptions from zone and transport rules

Not shown here as not the subject of this evidence – see evidence of Mrs Suzanne Richmond

Appendix 9.3.7.5 Heritage Works Plan

An application can be made to the Council for certification of a Heritage Works Plan as an alternative to a resource consent for Heritage Works include: Reconstruction, Restoration, and Heritage Upgrade-Building Code Works. The Heritage Works Plan and may also include Repairs, Maintenance and Heritage Investigative and Temporary Works that are otherwise permitted activities, but are incorporated as part of these other works.

1. Principles

The Heritage Works Plan shall be prepared, and the Heritage Works shall be undertaken, in accordance with the following ~~matters~~ principles:

- 1.1 The objective and policies of [Section 9.3](#) of the [District Plan](#);
- 1.2 The [heritage item](#) is made and kept safe for future occupation in terms of compliance with required seismic standards and Building Act requirements;
- 1.3 The degree of intervention should be kept to a practical minimum;
- 1.4 Traditional methods and materials should be given preference, except where new materials are necessary for reasons of safety, compliance and performance; and
- 1.5 The Heritage Works are for the purpose of facilitating ongoing viable uses of [heritage items](#).

2. The Heritage Works Plan shall:

- 2.1 Include the documentation process to be used to capture a comprehensive photographic record of the [heritage item](#) prior to Heritage Works commencing, while they are being undertaken (particularly to record revealed [heritage fabric](#)) and once completed.
- 2.2 Contain a description and plans, elevations and cross sections (scope of works) showing those parts of the [heritage item](#) which are subject to the Heritage Works. These are to be accompanied by an assessment by the [heritage professional](#) in regards to the effect on [heritage fabric and heritage values of the options considered and the option chosen for undertaking the Heritage Works](#).
- 2.3 Provide a description of the techniques to be used to undertake the Heritage Works described in clause 2.2 above.
- 2.4 Include a Temporary Protection Plan where this is necessary to prevent further damage to the [heritage item](#) or damage to the [heritage setting](#), during the Heritage Works.
- 2.5 Identify any special skills required for undertaking the Heritage Works (e.g. stonemasonry, glass, timber).
- 2.6 Where relevant be accompanied by a chartered structural engineer's assessment addressing:

- the damage;
 - with regard to the effects on **heritage fabric and heritage values**, the options considered for undertaking the works; and
 - the engineering design documentation for the chosen option.
- 2.7 Specify the ~~likely timeframe required to complete~~ **start date for** timeframe required to complete the Heritage Works, and nominate the **heritage professional** who will be responsible for overseeing the works.

The level of information provided under each of 2.1 – 2.7 shall be commensurate with the nature and scale of the proposed works.

3. Need for further works

- 3.1 The Heritage Works Plan may be amended should investigative works or Building Act requirements lead to the need for additional work or modifications to the Heritage Works Plan as originally submitted. In this case, an amendment to the Heritage Works Plan shall be submitted to the **Council**.

4. Preparation

- 4.1 The Heritage Works Plan shall be prepared and signed by:
- (i) A **heritage professional**; and
 - (ii) A chartered structural engineer, where any works affect structural elements of the **heritage item**; and
 - (iii) Where required, any other relevant expert with respect to compliance with other provisions of the Building Act.
- 4.2 For the purposes of clause 4.1(i), a **heritage professional** is defined in **Chapter 2** Definitions.
- ~~4.3 The Heritage Works Plan shall include confirmation that the **heritage professional** meets the relevant criteria in the **heritage professional** definition, and shall provide evidence of the person's role in the projects relied on for the purpose of that definition. The evidence provided must demonstrate that the person's experience in heritage conservation is relevant to the nature of the works and the **heritage fabric** being considered.~~

5. Certification

- 5.1 The **Council** shall certify that the Heritage Works Plan (or any subsequent amendments) has been prepared in accordance with Clauses 1 - 4 above.

Appendix 9.3.7.6 – ~~Certification~~ Certificate of Non-Heritage Fabric

An application can be made to the Council for a Certificate of Non-Heritage Fabric to confirm fabric is not **heritage fabric** protected by the Plan.

1. Principles

An assessment to confirm fabric is not **heritage fabric** shall be undertaken in accordance with the following ~~matters~~ principles:

- 1.1 An understanding of the heritage significance of the **heritage fabric**, including within the context of the significance of the **heritage item** as a whole, shall be established before assessing and identifying non-heritage fabric.
- 1.2 Identification of non-heritage fabric shall be informed by relevant and recent documentation and through visual inspections.
- 1.3 The purpose of the documentation and visual inspections is to assist in determining factors such as: evidence of age of the fabric; context; and other relevant information about the item and fabric; new information about the significance of materials/fabric ~~(particularly in the case of interior **heritage fabric** which is included in the Register of Interior Heritage Fabric for that **heritage item**, see [Appendix 9.3.7.2 – Schedule of Significant Historic Heritage](#)).~~
- 1.4 Statutory and non-statutory ~~D~~ocumentary sources include (but are not limited to): conservation plans, conservation reports, detailed heritage assessment reports, resource consent history, **building** or planning files, architectural plans, photographs, the Heritage Statement of Significance of the **heritage item**.

2. Preparation and documentation to confirm non-heritage fabric

The documentation required to prepare and confirm non-heritage fabric shall include the following:

- 2.1 Statutory and non-statutory ~~D~~ocumentary sources consulted and relied upon. As a minimum these shall include any relevant conservation plan, ~~(where this is available)~~, Council's Heritage files and the relevant Heritage Statement of Significance accessed from [Appendix 9.3.7.2](#). The assessment shall reference the value attributed to the subject fabric in the conservation plan (that is whether the fabric has been assessed as "neutral", "non-contributory", "intrusive", or equivalent depending on the terminology used and defined in the conservation plan).
Where a conservation plan has not been prepared, the assessment shall identify its value using conservation plan methodology and justification for that ascribed value.
- 2.2 The dates of site visit(s) undertaken, (which must include a visit in the period subsequent to any previous modifications of the fabric or area being assessed).
- 2.3 A record of any second opinion ~~or peer review~~ that has been obtained from a **heritage professional**.

2.4 Confirmation that in the **heritage professional** opinion, and having regard to Clauses 1.1 and 1.2 above the fabric does not make any contribution to the overall significance of the **heritage item**. This shall include an explanation of how this opinion has been formed with reference to the **heritage fabric** definition in the Plan.

3. Confirmation

3.1 The confirmation application for a Certificate of a Non-Heritage Fabric shall be prepared and signed by a **heritage professional**, ~~and shall include: confirmation that the **heritage professional** meets the relevant criteria in the **heritage professional** definition and evidence of the person's role in the projects relied on for the purpose of that definition.~~

~~3.2 The evidence provided must demonstrate that the person's experience in heritage conservation is relevant to the nature of the **heritage fabric** being considered.~~

4. Definitions

4.1 For the purposes of clause 3, a **heritage professional** is defined in Chapter 2 Definitions.

5. Certification

5.1 The **Council** shall certify that the documentation confirming non-heritage fabric is in accordance with Clauses 1 - 4 above.

~~Appendix 9.3.7.7 – The Heritage Aerial Maps~~

Appendix 9.3.7.7 – Residential Heritage Areas - Aerial Maps

Appendix 9.3.7.8 - Residential Heritage Areas - Site Contributions Maps

Appendix 9.3.7.9 – Residential Heritage Areas – Interface Sites and Character Area Overlap Maps

MRZ

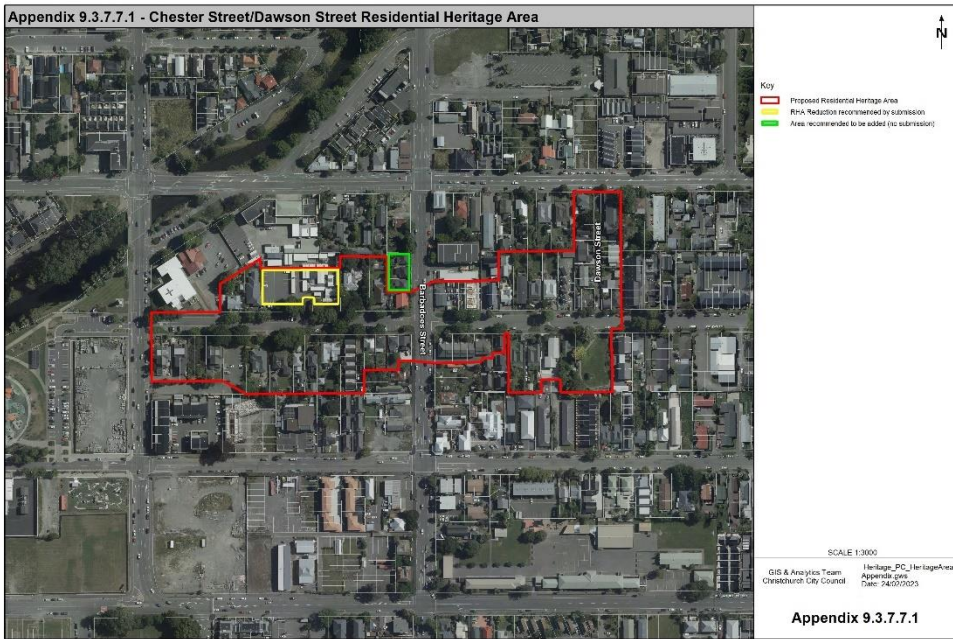
14.5.3.2.8.b.i.

6 metres, where existing house is relocated forward on the site

8 metres, where existing house not retained

8 metres, or 6 metres where existing house or garage is proposed to be relocated forward on the site

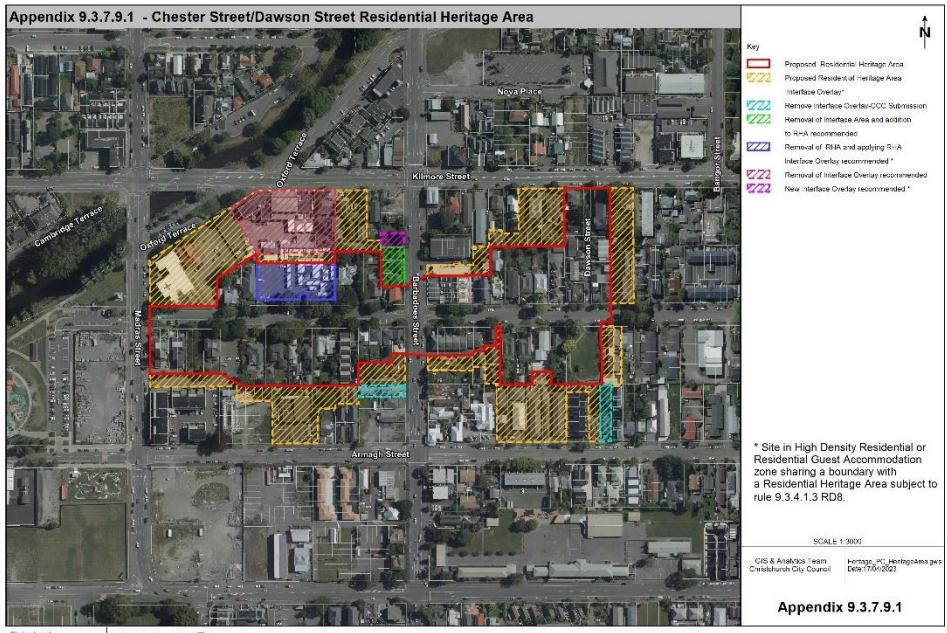
APPENDIX C – PC14 - DISTRICT PLAN RHA MAP AMENDMENTS



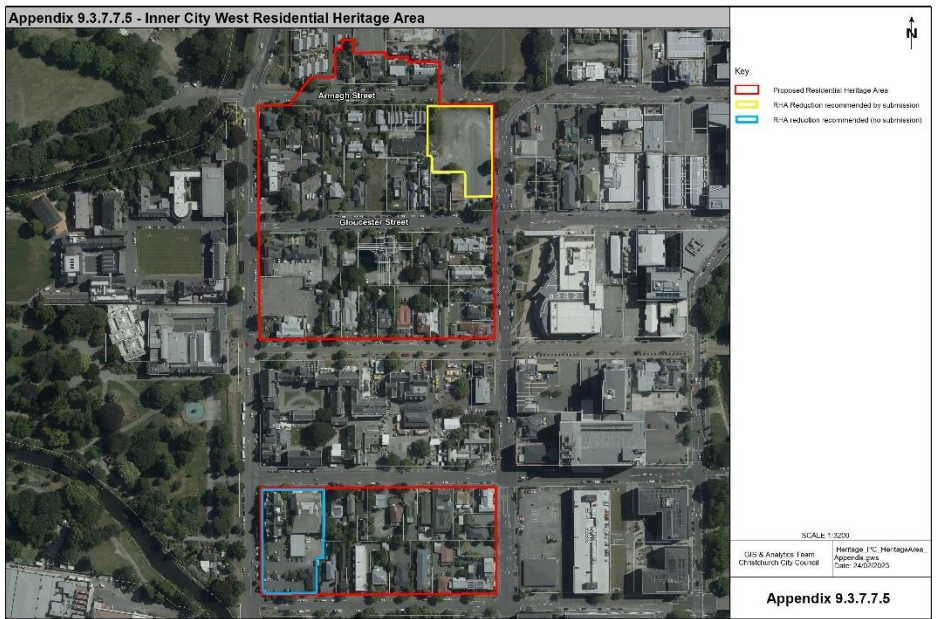
Christchurch District Plan Christchurch City Council Proposed Plan Change 13 - Chester Street East / Dawson Street HA2 - Submission no. 842 Fire and Emergency NZ



Christchurch District Plan Christchurch City Council Proposed Plan Change 13 - Chester Street East / Dawson Street HA2 site contributions map - Submission No842 Fire and Emergency NZ



Christchurch District Plan | Christchurch City Council | Proposed Plan Change 13 and 14 - Chester Street East / Dawson Street HA2 - Recommended



Christchurch District Plan | Christchurch City Council | Proposed Plan Change 13 - Inner City West HA6 - Submission No 814 Carter Group Limited



APPENDIX D- TABLE OF SUBMISSIONS WITH RECOMMENDATIONS AND REASONS

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
ISSUE 1 – CHESTER STREET EAST RHA					
Peter Beck	S22	S22.1 and S22.2	Seek Amendment	Extend the Chester Street East Residential Heritage Area to cover the entire street.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Mary Crowe	S281	S281.2	Amend	Chester Street East should receive heritage protection zoning for the whole length of the street.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Fire and Emergency NZ	S842	S842.48	Amend	Request that the boundaries of RHA2 are reduced to exclude the Fire and Emergency City Station site at 91 Chester Street East.	Accept in part, with the extent of inclusion of the FENZ site at 91 Chester St East being reduced to 5m from the Chester Street road boundary of the site, with the remainder of the property area proposed as RHA, to instead be part of the Heritage Area Interface Overlay.
		S842.75-.77, S842.79, S842.81, S842.82.	Oppose	Ensure that 91 Chester Street East is not subject to these RHA rules.	Accept in part, As the FENZ site at 91 Chester Street East will only be included for 5m from the Chester street road boundary of the site, with the remainder of the property area proposed as RHA, to instead be part of the Heritage Area Interface Overlay.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Kirsten Rupp	S1001	S1001.1 and S1001.2	Amend	All of Chester Street East be included in the Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Keith Patterson	S1002	S1002.1 and S1002.3	Amend	The section of Kilmore St west of Dawson St to Barbadoes St to be included in the Chester St/ Dawson Lane Residential Heritage Area.	Reject, as the section of Kilmore Street proposed for inclusion no longer has sufficient authenticity and integrity to merit being included. However the cottages at 341, 345 and 347 Barbadoes Street do warrant inclusion as an extension to the RHA, but no submission sought this.
Ian Shaw	S1007	S1007.1	Amend	Add the following areas to the Chester St heritage area: 1: The area East of Dorset [Dawson] Street to Fitzgerald Avenue. 2. The properties located on Kilmore Street that adjoin the heritage area of Chester Street East, eg., the North boundaries of 129, 131 and 133 Chester Street	1. Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values. 2. Reject, as the section of Kilmore Street proposed for inclusion no longer has sufficient authenticity and integrity to merit being included.
Simon Adamson	S1013	S1013.1, S1013.2	Amend	That Chester St East be included in the Chester Street Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Susan Parle	S1014	S1014.1, S1014.2, S1014.3	Amend	That Chester St East be included in the Chester St Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Mary Crowe	S1015	S1015.1 and S1015.2	Amend	The entirety of Chester Street East should be included in the Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Waipapa Papanui-Innes-Central Community Board	S1016	S1016.1	Amend	The entire area or whole street from Chester Street East to Fitzgerald Ave be included in the Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Bosco Peters	S1022	S1022.1 and S1022.2	Amend	That Council recognises the whole of Chester Street East as having special heritage character, and Include it in Appendix 9.3.7.3	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Marius and Roanna Percaru	S1024	S1024.1, S1024.2, and S1024.3	Amend	That the special heritage and character of Chester Street East include the whole of Chester Street East [that the whole of Chester Street East is included as a Residential Heritage Area]....	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
Oxford Terrace Baptist Church	S1052	S1052.3 and S1052.4	Amend	Seek that the whole of Chester Street East be included in the Residential Heritage Area.	Reject, as the built environment that now exists in the eastern section of the street does not embody significant heritage values.
ISSUE 2 MACMILLAN AVENUE RHA					

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Daniel Rutherford	S1027	S1027.1 and S1027.2	Oppose	Remove 20 Macmillan Avenue from the proposed Macmillan Avenue Residential Heritage Area.	Reject, as the inclusion of 20 Macmillan Avenue maintains the integrity of the historic subdivision that underpins the heritage values of the area.
Dr Bruce Harding	S1079	S1079.1	Amend	Seek clarification on the RHA 8 (Macmillan Avenue) boundary, as it was all covered in the Special Amenity Area provisions in the 1990s City Plan. Why is the home of John Macmillan Brown (35 Macmillan Ave) excluded.	Reject, as 35 Macmillan Avenue is included in a Character Area under Plan Change 14.
		S1079.2	Amend	Seek confirmation that homes/properties of iconic citizens (in all city RHAs) are clearly delineated in the revised City Plan— so for Cashmere, for example, “Rise Cottage” (Westenra Terrace), the Ngaio Marsh House (37 Valley Road).	Partly accept, as the properties cited are already included in 9.3.7.2 Schedule of Significant Historic Heritage.
ISSUE 3 – INNER CITY WEST RHA					
Christ’s College	S699	S699.1 and S699.7 [RHA mapping]	Oppose	Delete the RHA Qualifying Matter from the following properties: <ul style="list-style-type: none"> • Armagh Street – Numbers 6, 14, 16, 20 and 22 • Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19 	Reject, As the properties in question make a significant contribution to the heritage values of the area.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				<ul style="list-style-type: none"> • Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave. 	
Carter Group Limited	S814	S814.9	Oppose	Oppose the definition for Contributory Building. Seek that this is deleted.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S814.11	Oppose	Oppose definition of Defining Building. Seek that it is deleted.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S814.25	Oppose	Oppose definition of Intrusive building or site. Seek that it is deleted.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S814.26	Oppose	Oppose definition for Neutral building or site. Seek that it is deleted.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S814.241 (part)	Oppose	Amend the planning maps to remove the following features identified on the planning maps at 32 Armagh Street (as indicated below): a. The heritage setting and heritage item; [.....]	Partly accept, as the contributions ratings of the cottage and former Girls High tuckshop should be amended as described in paragraph 8.3.4, and the currently vacant part of the property should be excluded from the RHA but instead be shown as part of the Heritage Area Interface Overlay.

APPENDIX 8

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				c. The residential heritage area overlay applying to the land and surrounding area.	
Catholic Diocese of Christchurch	S823	S823.9	Oppose	Definition of 'Contributory Building'. Delete.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S823.11	Oppose	Definition 'Defining building'. Delete	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S823.212	Oppose	Delete the definition of 'Neutral building or site'.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S823.213	Oppose	Delete the definition of 'Intrusive building or site'.	Reject , as the definitions and consequent contribution ratings are not considered vague or uncertain.
		S823.228	Oppose	Delete Heritage Item 390 and Heritage Setting 287 regarding 32 Armagh Street from Appendix 9.3.7.2.	Reject , As the submitter does not provide any substantive evidence to call into question the heritage value of this item.
Elizabeth Harris and John Harris	S1061	S1061.3 and S1061.4	Oppose	Seeks that the Inner City West Residential Heritage Area overlay is removed from 31 Cashel Street and other sites on [the north side of] Cashel Street.	Reject , As there are significant historic, architectural and contextual heritage values in this area.
Diana Shand	S1075	S1075.1	Amend	Supports the Inner West Residential Heritage Area and seeks that Cranmer Square be	Reject , as Cranmer Square is not considered integral to the heritage values of the Inner City West RHA.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
				included in the Inner City West Residential Heritage Area.	
		S1075.5 [part, for heritage reasons only,]	Oppose	Seek that the Commercial use be confined to Oxford Terrace and that the Medium Density Zone should extend south from 59 Gloucester Street in a direct line south to the River at 75 Cambridge Terrace, displacing the Mixed Use Zone. [zoning question reported elsewhere]	Reject, As the parts of blocks described in this submission do not embody collective heritage values.
ISSUE 4 - HEATON STREET RHA					
Susanne Trim	37	37.4	Amend	Support most of the Residential [Heritage] areas except Heaton Street	Reject, As the south side of the street retains sufficient integrity to qualify as an RHA.
ISSUE 5 – CHURCH PROPERTY TRUSTEES/NORTH ST ALBANS RHA					
Melissa Macfarlane	135	135.2	Oppose	Delete any applicable residential heritage area qualifying matters for the St Albans Church Properties Subdivision area.	Reject, As the area demonstrates significant historic heritage values and therefore merits scheduling as an RHA
Melissa Macfarlane	1003	1003.2	Amend	Amend 48 Malvern Street to a 'neutral building' rather than a 'defining building'	Reject, As the house retains sufficient authenticity and integrity, at this time, to be rated as a 'Defining' building

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Melissa Macfarlane	1003	1003.7	Oppose	Delete HA3 from Appendix 9.3.7.3 and retain the area as a residential character area instead.	Reject, As the area demonstrates significant historic heritage values and therefore merits scheduling as an RHA
ISSUE 6- SHELLEY/FORBES RHA					
Kate Askew	1005	1005.2	Support	Supports the inclusion of Heritage Areas including HA11 Shelley/Forbes Street, and own property at 11 Shelley Street.	Accept.
		1005.3	Amend	Amend Appendix 9.3.7.3 to include 10 Shelley Street as a defining building	Reject, As it is considered that the building at 10 Shelley Street should continue to be rated as contributory.
Neil McAnulty	1040	1041.1 and 1041.2	Oppose	Oppose the RHA as it applies to Forbes Street, Sydenham	Reject, As the street does merit inclusion in the RHA.
ISSUE 7- PIKO/SHAND RHA					
Kāinga Ora	S834	S834.333 and S834.355	Oppose	Opposes the proposed Residential Heritage Areas ('RHAs') listed in Appendix 9.3.7.3 in their entirety.[also specifically opposes Piko/Shand RHA in covering letter]	Reject, As the area is one of the most authentic, 'fastidiously planned and carefully integrated' of all the early state housing schemes in New Zealand.
Jono de Wit	S1053	S1053.1 and S1053.3	Oppose	Oppose the Piko Crescent Residential Heritage Area	Reject, as the area is one of the most authentic, 'fastidiously planned and carefully integrated' of all the early state housing schemes in New Zealand.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
ISSUE 8- LYTTTELTON RHA					
Cody Cooper	S289	S289.3 and S289.4	Oppose	Remove Lyttelton as a heritage area and instead pick a specific street or smaller area to designate as heritage.	Reject, As the RHA is already a reduced version of the the Heritage New Zealand Pouhere Taonga registered "Lyttelton Historic Area".
Julie Villard	S1078	S1078.1 and S1078.2	Amend	Oppose the extent of the Lyttelton Residential Heritage Area. Seek that this be reduced.	Reject, As the RHA is already a reduced version of the the Heritage New Zealand Pouhere Taonga registered "Lyttelton Historic Area".
Lyttelton Port Company	S1083	S1083.1 and S1083.2	Support	Supports the extent of the Lyttelton Residential Heritage Area as notified.	Accept
ISSUE 9 – REQUESTED ADDITIONAL RHAS					
Suzanne Trim	S37	[Body of submission]	Amend	Mary Street and Rayburn Avenue in Papanui are more appropriate than Heaton St to be an RHA	Reject, As the area does not meet the criteria for being an RHA.
Emma Wheeler	S206	S206.1	Amend	[New Residential Heritage Area] Make both St James Avenue and Windermere Road category 1 Streets, protecting both the plaques, trees and the people that already enjoy and use these streets	Reject, As the area does not meet the criteria for being an RHA.
Dominic Mahoney	S329	S329.3 and S329.4	Amend	Perry Street should not be zoned for high density residential development on the basis of its historical heritage nature	Reject, As the area does not meet the criteria for being an RHA.

APPENDIX 8

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
P Tucker and C Winefield	S709	S709.3	Amend	Windermere Road should be an RHA	Reject, As the area does not meet the criteria for being an RHA.
Marie Byrne	S734 and S1063	S734.1 and S734.2; S1063.1 and S1063.2	Amend	Seeks that the Medium Density Residential area in Phillipstown Cashel Street to Ferry Road, Bordesley Street to Nursery Road be considered for a heritage area and subsequently a qualifying matter.	Reject, As the area does not meet the criteria for being an RHA. However an adjoining area around Ryan Street may meet the criteria.
Mark Winter	S1008	S1008.1 and S1008.2	Seek Amendment.	Retain a heritage [and character status] for Beverley Street	Reject, As the area does not meet the criteria for being an RHA.
Waipapa Papanui-Innes-Central Community Board	S1016	S1016.4	Seek Amendment	Include Dover Street (original workers' cottages of historical significance) in schedule.	Reject, As the area does not meet the criteria for being an RHA.
Ruth Morrison	S1041	S1041.1-S1041.3	Seek Amendment	Keep the area around Paparoa St, Dormer St, Rayburn Ave and Perry St as a heritage area	Reject, As the area does not meet the criteria for being an RHA.
Anton Casutt	S1088	S1088.1-S1088.3	Seek Amendment	Seeks that Scott Street, Sydenham is added to a Residential Heritage Area [or Character Area].	Reject, As the area does not meet the criteria for being an RHA.
Waipuna Halswell Hornby Riccarton	S1090	S1090.1	Seek Amendment	Supports the Residential Heritage Areas but seeks that additional areas of Hornby, South Hornby, Sockburn, Hei Hei, Islington, and Broomfield be considered	Reject, As no areas have been identified in these suburbs which would meet the criteria for being an RHA.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Community Board					
Waipuna Halswell Hornby Riccarton Community Board		S1090.6	Seek Amendment	Seeks a much larger Riccarton Heritage setting from Mona Vale to the Britten stables and war memorial at Jane Deans Close.	Reject, As it is not best practice to connect disparate heritage items which are already mapped and scheduled by applying a 'heritage setting' overlay to a suburb.
Rosie Linterman	S1091	S1091.1 and S1091.2	Seek Amendment	Seek that Beverley Street be included as a Residential Heritage Area.	Reject, As the area does not meet the criteria for being an RHA.
ISSUE 10 - OPPOSITION TO THE CONCEPT OF RHAS, OR TO THE NUMBER OF RHAS					
Logan Brunner	S191	S191.1 and S191.2	Oppose	That proposed Residential Heritage Areas are removed	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history.
Property Council of NZ	S242	S242.20 and S242.21	Seek Amendment	Given the scale of the proposal and introduction of 11 new residential heritage areas, we wish to highlight the importance of ensuring that Christchurch has sufficient development capacity.	Partly accept, As the importance of ensuring that Christchurch has sufficient development capacity is accepted. However the City has more than enough development capacity outside of RHAs.
Te Hapu o Ngati Wheke	S695	S695.22	Seek Amendment	Amend definition [of Māori Land] to enable definition to be applied in relation to chapter 14.8 Residential Banks Peninsula Zone.	Reject, As this is not considered appropriate.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Te Hapu o Ngati Wheke		S695.8, S695.11-S695.21	Seek Amendment	Amend all relevant RHA provisions, in Ch 9.3 Historic heritage, Ch 8 subdivision and Ch 14.8.3 area specific provisions in the Banks Peninsula Residential zone, to enable Rapaki runanga to develop ancestral land for papākāinga housing. Within the Lyttelton RHA, request that papākāinga housing be exempt from RHA rules including built form and minimum site size standards.	Partly accept, To the extent that the words “or is to be used for Papakāinga/Kāinga Nohoanga” be inserted into matter of discretion (e) in Rule 9.3.6.4.
Christ's College	S699	S699.1, S699.4. S699.8-S699.10 [RHA provisions]	Oppose	Delete Qualifying Matter - Residential Heritage Area from the following properties <ul style="list-style-type: none"> • Armagh Street – Numbers 6, 14, 16, 20 and 22 • Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19 • Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave). 	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City’s residential history. The Inner City West RHA is one of the few remaining pockets of larger inner city housing from the late 19th and early 20th centuries.
Carter Group Ltd	S814	S814.90 (part), S814.94-S814.99, S814.102-S814.104, S814.108-S814.110,	Oppose	Oppose all policies, rules, schedules and maps relating to RHAs, both in Chapter 9.3 and elsewhere in the Plan, and seek their deletion.	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City’s residential history. The proposed provisions for RHAs are reasonable and justifiable.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
		S814.151, S814.163-S814.168.			
Catholic Diocese of Christchurch	S823	S823.83 (part), S823.131 – S823.135, S823.216 - S823.219, S823.221, S823.222, S823.225-S823.227, S823.231-S823.233	Oppose	Oppose all policies, rules, schedules and maps relating to RHAs, both in Chapter 9.3 and elsewhere in the Plan such as Chapter 14.5, and seek their deletion.	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history. The proposed provisions for RHAs are reasonable and justifiable.
Kāinga Ora	S834	S834.333, 834.334, S834.335	Oppose	Oppose Residential Heritage Areas as listed in 9.3.7.3., and RHA matters of discretion [also discussed under Issue 7 Piko/Shand]	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history. The proposed provisions for RHAs are reasonable and justifiable.
Otautahi Community Housing Trust	S877	S877.6, S877.7, S877.24	Oppose	Delete the Residential Heritage Area qualifying matter and any proposed provisions, including in Ch 14 MRZ area specific rules and in 14.3.f.i – how to apply rules	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history. The proposed provisions for RHAs are reasonable and justifiable.
Richard Abbey-Nesbit	S1009	S1009.1-S1009.3	Oppose	The submitter supports limitation of heritage areas, including to promote better public transport options	Reject, As the City has more than enough development capacity outside of RHAs.

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
Kristin Mokes	S1025	S1025.1 and S1025.2	Oppose	Reconsider adding so many more heritage sites - especially [in the] suburbs	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history.
Paul Mollard	S1030	S1030.1 and S1030.2	Oppose	Remove any reference to residential heritage areas and make those areas subject to the same development rules as the rest of the city.	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history.
Sam Spekrijse	S1033	S1033.1-S1033.3	Oppose	Oppose all heritage overlays for residential heritage areas.	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history.
Peter Earl	S1038	S1038.1		Oppose all heritage areas and requests Council stay in line with the government's policy direction for intensification.	Reject, As the City has more than enough development capacity outside of RHAs, and RHAs being a Qualifying Matter is justified.
Cameron Matthews	S1048	S1048.1-S1048.16, S1048.19-S1048.36	Oppose	Strike out all rules or parts of rules as they relate to Residential Heritage Areas, particularly Lyttelton, Inner City West and Piko/Shand RHAs.	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history. The City has more than enough development capacity outside of RHAs
Jono de Wit	S1053	S1053.1 and S1053.3	Oppose	Oppose the Piko Street Residential Heritage Area [because it is close to the Riccarton Road public transport corridor/future MRT line] [also discussed under Issue 7 Piko/Shand]	Reject, The City has more than enough development capacity outside of RHAs. Retention of RHAs will contribute to Objective 1 of the NPS-UD, being

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
					well-functioning urban environments that provide for the well-being of communities.
Keri Whaitiri	S1069	S1069.1 and S1069.2	Seek Amendment	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes.	Reject, As removal of these categories would disable the RHA system.
Keri Whaitiri		S1069.3	Seek Amendment	Seeks that the full implications of the new 'Residential Heritage Areas' are disclosed and that these do not exceed the current provisions of the 'Residential Character Areas'	Reject, As the implication of RHAs have been disclosed. RHA provisions are similar to those for Residential Character Areas.
Danny Whiting [with regard to RHAs]	S1070	S1070.2	Oppose	Delete/reject proposed amendments to definitions, policies, rules and assessment matters in PC13 and retain the status quo in respect of these provisions	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history, and the proposed provisions for RHAs are reasonable and justifiable.
Peebles Group Limited, Richard and Suzanne Peebles and 181 High Limited	S1071-S1073	S1071.1, S1072.3 and 1073.2	Oppose	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history, and the proposed provisions for RHAs are reasonable and justifiable.
Duncans Lane Limited	S1085	S1085.3	Oppose	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.	Reject, As the few remaining areas which meet the criteria to be RHAs are significant examples of the City's residential history, and the proposed

Submitter	Submission No.	Decision No.	Request	Decision Sought	Recommendation and Reasons
					provisions for RHAs are reasonable and justifiable.
ISSUE 11 – SUPPORT RHAS/ SEEK MORE RHAS					
Te Mana Ora/Community and Public Health	S145	S145.18	Support	Te Mana Ora supports the protection of Residential Heritage Areas and recognises the need to balance housing development with protecting areas of cultural heritage and identity.	Accept
Heritage New Zealand Pouhere Taonga (HNZPT)	S193	S193.8. S193.10, S193.15, S193.16- S193.19, S193.25- S193.28	Support	Retain definitions of defining, contributory, neutral and intrusive buildings as proposed. Retain RHA policies, rules and matters of discretion as proposed.	Accept
Michael Dore	S225	S225.5	Support	The history, character and heritage of our city of Christchurch should be protected at all costs	Accept
Lawrence Kiesanowsk	S404	S404.1	Support	Support plan change provisions to protect historic heritage areas.	Accept
Sarah Wylie	S428	S428.3	Support	Support the protection of heritage areas	Accept
Hilary Talbot	S700	S700.1- S700.3 and S700.6	Support	<i>[Re: Englefield Heritage Area]</i> support the creation of the Heritage Area [and the continuation of the character area] with more stringent controls	Accept
Christian Jordan	S737	S737	Support	[statements on HAs not coded] Further heritage areas need to be assessed and created	Accept

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				across the city to protect Christchurch's remaining built history.	
Margaret Stewart	S755	S755.4	Support	Retain Heritage areas	Accept
Historic Places Canterbury	S835	S835.20	Support	The submitter welcomes the addition of 11 Residential Heritage areas and their inclusion as Qualifying Matters.	Accept
Peter Dyhrberg	S885	S885.3, S885.4, S885.6, S885.7	Support	Retain the proposed Residential Heritage Areas and rules relating to them	Accept
Julie Florkowski	S1019	S1019.1 and S1019.2	Support	Supports the Residential Heritage Areas of Otautahi, Christchurch (specifically, Alpha Avenue).	Accept
Chris Florkowski	S1020	S1020.2 and S1020.3	Support	Support Residential Heritage Areas of Otautahi, Christchurch, which deserve special protection	Accept
Maxine Webb	S1026	S1026.1	Support	The submitter supports the heritage areas as a qualifying matter and is of the view that they should have a wider extent to protect the character of Christchurch.	Accept
Waihoru Spreydon-Cashmere-Heathcote Community Board	S1077	S1077.1	Support	Supports the addition of the MacMillan Avenue and Shelley/Forbes Street Residential Heritage Areas.	Accept

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ISSUE 12 - AMEND RHA RULES SO THEY ARE LESS RESTRICTIVE					
James Carr	S519	S519.7, S519.22- S519.24, S519.26	Seek amendment	Adopt MDRS height rules and recession plane rules in RHAs, to provide for taller villas and two storey Victorian villas and Arts and Crafts houses to be altered, but apply stricter limits on site coverage and setbacks to work with the existing streetscape.	Reject, As the question of higher height limits in the RHAs requires more work, and needs to be considered as part of the RHA built form rules package.
Hilary Talbot	S700	S700.7	Seek Amendment	The drafting of these rules should be reviewed to see if a more nuanced approach to buildings in heritage areas is appropriate.	Partly accept, As this report recommends an exception to the RHA rules for sustainability and energy conservation measures.
Melissa Macfarlane	S1003	S1003.1 and S1003.6	Seek Amendment	Delete Rule 9.3.4.1.3 RD6 entirely or if Residential Heritage Areas remain included in the proposed plan, include a more appropriate and targeted rule, eg only apply it to new buildings greater than 30m2 or the alteration of defining or contributory external building fabric by more than 35%. Delete 9.3.6.4 or amend 9.3.6.4 to remove matters that focus on the dwelling itself (which is not individually listed) and target the assessment to impacts on the wider residential heritage area.	Partly accept, As the report recommends some amendments to the matters of discretion for new buildings and alterations within RHAs, for example to make it clearer that there is intended to be a primary focus on the collective values of the heritage area, with only a secondary focus on individual buildings.
Melissa Macfarlane	S1003	S1003.4	Seek Amendment	Amend the definition of 'Heritage fabric' to exclude 'heritage area' or exclude heritage area buildings that are not defining or contributory.	Reject, As removal of neutral and intrusive sites from RHAs or effectively from the need for an RD consent for rebuilding would negate the possibility of heritage enhancement of an area for at least this chunk of buildings, and could

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					even result in buildings which detract from the heritage values of the area.
Melissa Macfarlane	S1003	S1003.11-S1003.13	Seek Amendment	Delete references to RHAs in Policies 9.3.2.2.3, 9.3.2.2.5 and 9.3.2.2.8. Instead include a new fit for purpose targeted policy for residential heritage areas that focuses on impacts on the recognised values of the area, i.e. interwar Californian bungalows.	Partly accept, As the report recommends some amendments to the matters of discretion for new buildings and alterations within RHAs, for example to make it clearer that there is intended to be a primary focus on the collective values of the heritage area, with only a secondary focus on individual buildings.
Melissa Macfarlane	S1003	S1003.8	Seek Amendment	Amend rule 14.5.3.2.8 (b)(i) to apply a minimum 6m setback for all buildings.	Partly accept, As it is recommended that this rule be reworded to cover buildings remaining in situ, but with a default 8m setback.
Melissa Macfarlane	S1003	S1003.9	Seek Amendment	Amend Rule 14.5.3.2.3(b)(v)(b) to enable 2 storey buildings.	Reject, As the question of higher height limits in the RHAs requires more work, and needs to be considered as part of the RHA built form rules package.
Melissa Macfarlane	S1003	S1003.10	Seek Amendment	Amend Rule 14.5.3.2.8(c)(ii) so that it only applies to residential dwellings and not accessory buildings. Accessory buildings will need to comply with the standard zone provisions for boundary setbacks.	Reject, As the intent of wider internal boundary setbacks in RHAs applying to all buildings is to keep accessory buildings out of the street view as much as possible, and maintain the streetscape pattern.

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Melissa Macfarlane	S1003	S1003.16	Seek Amendment	Amend Rule 14.5.3.1.3 RD14 so that it only applies to the demolition or removal or relocation or erection of a building greater than 30m2.	Reject, As larger scale accessory buildings can still make a significant contribution to the values of RHAs.
Jayne Smith	S1017	S1017.2 and S1017.4	Seek Amendment	Supports Residential Heritage Areas but has some concerns regarding the ability to make alterations to the exterior of their property for sustainability and other reasons.	Partly Accept, As this report recommends an exception to the RHA rules for sustainability and energy conservation measures.
Emily Arthur	S1036	S1036.1	Seek Amendment	Amend RD7 so that consent is not required to demolish a contributory building in a Residential Heritage Area.	Reject, As it is appropriate to remove the need for demolition consents, as that would provide free rein for people to remove the buildings which collectively make up the heritage values of the area.
Emily Arthur	S1036	S1036.2	Seek Amendment	Remove the mandatory 1m from one boundary and 3m from the other on new builds. Allow houses to be built closer than 1m or 3m from property boundaries if that was the way the one being removed was constructed.	Reject, As existing use rights may apply. Otherwise, the purpose of these setbacks is to maintain the streetscape pattern, and the scale of buildings and their settings.
Emily Arthur	S1036	S1036.3	Seek Amendment	Allow up to 70% site coverage on a site by site basis rather [than] having a blanket rule of 40%.	Reject, As 70% is much too high a proportion of coverage for RHAs generally. Sites need to function with adequate outdoor living space and some degree of landscaping/tree cover.

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Cameron Matthews	S1048	S1048.17, and S1048.18	Oppose	Strike out all rules or parts of rules as they relate to RHA's and Heritage Areas,[see Issue 10] including definitions of Contributory and Defining Buildings	Reject, As all of the RHAs have a strong heritage story and are significant examples of the City's residential history. Removal of these categories would disable the RHA system.
Keri Whaitiri	S1069	S1069.1 and S1069.2	Oppose	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes.	Reject Removal of these categories would disable the RHA system
Julie Villard	S1078	S1078	Seek Amendment	[Points not coded]. Limit RHA in Lyttelton to defining and contributory sites. Neutral sites do not have any architectural significance or historical values	Reject, As removal of neutral sites from RHAs or effectively from the need for an RD consent for rebuilding, would negate the possibility of heritage enhancement of an area for at least this chunk of buildings, and could even result in buildings which detract from the heritage values of the area.
ISSUE 13 -- CLARIFY HOW RHA RULES WILL WORK/MAKE MINOR AMENDMENTS SO THEY WORK BETTER					
Fire and Emergency NZ	S842	S842.73	Oppose	Regarding Rule 9.3.4.1.1 P2, Fire and Emergency seek clarity as to whether an intrusive building within a residential heritage area would be subject to the activity specific standards set out in permitted activity rule 9.3.4.1.1.- repairs to a building in a heritage area	Accept. See wording amendment to P2.

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Fire and Emergency NZ	S842	S842.74	Oppose	[not coded] Assume 91 Chester St East is not subject to 9.3.4.1.1 P3 (a)(iv) temporary activities in a heritage area – clarify.	Reject, As temporary buildings are likely to be visible beyond the site. The rule is not considered to be unreasonable.
Melissa Macfarlane	S1003	S1003.5	Seek Amendment	Exclude heritage areas from the definition of heritage fabric or amend RD1 so it does not apply to activities covered by Rule 9.3.4.1.3 RD6.	Accept. See wording amendment.
Waipapa Papanui-Innes-Central Community Board	S1016	S1016.3	Seek Amendment	Continue to consider any additional suggestions of historical significance that are received through this process. Provision should be made for interim protection of areas (and sites) with potential heritage values to allow time for necessary in depth investigation to be undertaken	Reject, As there is no need to insert a provision to this effect as this could be done at any time by plan change. It is not possible under the RMA to provide interim protection for potential RHAs.
Rob Seddon-Smith	S1028	S1028.2	Seek Amendment	Seeks a clear definition of what constitutes the particular 'heritage' character of each area, so that it is easy to determine how any proposed development might meet such character standards.	Reject, As it would be too difficult to draft standards which captured the variable and often contextual heritage features of all the different RHAs. These include streetscapes and public realm features.
Rob Seddon-Smith	S1028	S1028.4	Seek Amendment	Seeks that a date not more than 30 years hence whereby the heritage status of an area and the rules governing it should be reviewed or otherwise automatically removed.	Reject, As RHAs would be reviewed in the normal course of every District Plan review (nominally every 10 years), or could be reviewed more often by plan change.

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Oxford Baptist Church	S1052	S1052.5	Seek Amendment	Seeks that any development of 94-96 Chester Street East be publicly notified.	Reject, As public notification of consents for vacant sites cannot be assured, because decisions on public notification have to be based on a judgement at the time of application, on whether an activity will have or is likely to have adverse effects on the environment that are more than minor.
Hughes Developments Limited	S1062	S1062.1	Seek Amendment	Seek that the activity status for development in Residential Heritage Areas is made clearer.	Reject, Because contributions ratings could only be changed via a plan change or at a District Plan review, whereas the heritage reports behind them are non-statutory and could be updated at any time.
Hughes Developments Limited	S1062	S1062.2	Seek Amendment	Amend Residential Heritage Area - Heritage Report and Site Record Forms - HA6 Inner City West to remove references to 31 Worcester containing buildings on site.	Accept
ISSUE 14 - OPPOSE OR SUPPORT RHA INTERFACE AREAS					
Hilary Talbot	S700	S700	Support	[not coded] Support a protective buffer zone for the Englefield RHA although it is not clear how it will work.	Accept
Carters	S814	S814.99 (part), S814.104, 814.217	Oppose	Seek that the advice note at the end of 15.12.1.3 be deleted [refers to RD8 in Ch 9.3 and RHA interface areas]. Also delete 9.3.4.1.3 RD8 and matters of discretion for interface areas	Reject, Because a full intensification scenario on adjoining sites zoned HRZ would be detrimental to the heritage values of these RHAs, particularly in terms of visual dominance. The interface rule

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					is targeted and matters of discretion are very limited.
Catholic Diocese of Christchurch	S823	S823.183, S823.222 (part), S823.227	Oppose	Seek that the advice note at the end of 15.12.1.3 be deleted [refers to RD8 in Ch 9.3 and RHA interface areas]. Also delete 9.3.4.1.3 RD8 and matters of discretion for interface areas	Reject, Because a full intensification scenario on adjoining sites zoned HRZ would be detrimental to the heritage values of these RHAs, particularly in terms of visual dominance. The interface rule is targeted and matters of discretion are very limited.
Kāinga Ora	S834	S834.336	Oppose	Oppose the proposed provisions controlling new buildings on sites sharing a boundary with a Residential Heritage Area (Residential Heritage Area Interface).	Reject, Because a full intensification scenario on adjoining sites zoned HRZ would be detrimental to the heritage values of these RHAs, particularly in terms of visual dominance. The interface rule is targeted and matters of discretion are very limited.
Historic Places Canterbury	S835	S835.23	Seek Amendment	Clarify these rules, eg whether it is a site sharing a boundary or a zone sharing a boundary. Possibly apply more widely eg to sites separated from RHA by a road.	Reject, As there is no uncertainty that this rule, Rule 9.3.4.1.1 RD8 is about sites sharing a boundary with an RHA.
Otautahi Community Housing Trust	S877	S877.24	Oppose	Regarding 14.3.i, :Remove the last part of the sentence: "Residential Heritage Area, Residential Heritage Area Interface"	Reject, Because a full intensification scenario on adjoining sites zoned HRZ would be detrimental to the heritage values of these RHAs, particularly in terms of visual dominance. The interface rule is targeted and matters of discretion are very limited.

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Peter Dyhrberg	S885	S885.5, S885.6	Support	[Retain] the proposed Interface rules for the adjacent sites which share a boundary with that proposed Residential Heritage Area	Accept
Keith Patterson	S1002	S1002.2	Seek Amendment	Amend the matters of discretion for 9.3.6.6 (sites sharing a boundary with RHA) to require consultation with neighbouring properties.	Reject, As the matters of discretion were deliberately kept narrow to make such consents less onerous. Also the NPS-UD at Policy 6.b states that significant changes to the amenity values of an area are not of themselves an adverse effect, meaning that a consultation requirement would probably not be sustainable. 1.4
Sam Spekreijse	S1003	S1033.1	Oppose	These whole areas are not significant enough to be given effective indefinite exemption to intensification, especially with the buffer zone requirements as planned	Reject As these areas are significant examples of the City's residential history, which the interface areas will assist in protecting from inappropriate development, either in the RHA or on adjoining sites.
Oxford Terrace Baptist Church	S1052	S1052.6	Seek Amendment	Seeks that the wording for buffers for Residential Heritage Areas is made clearer.	Reject, As the consultation booklet was not part of the notified plan change, and has no legal weight.
ISSUE 15- QUESTION/OPPOSE ZONING IN AND AROUND RHAS					
Waipapa Papanui-Innes-Central	S1016	S1016.2	Oppose	Address the impact of the HRZ area between Chester St East and Englefield RHAs.[Rezone	Reject, As the eastern end of the street would not qualify as an RHA, which means there is no

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Community Board				high density zone between Chester Street East and Fitzgerald Ave to Residential Heritage Area]	Qualifying Matter under the NPS-UD which could be a reason for downzoning the eastern end of the street.
Jayne Smith	S1017	S1017.3	Support	Support [Policy 9.3.2.2.10 on] incentives and assistance for historic heritage	Partly accept, As although this is a Council policy, the Council budget for heritage protection is limited at this time.
R.Seddon-Smith	S1028	S1028.3	Seek Amendment	Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation.	Reject, As there is no possibility that Council could compensate owners to the extent sought in this submission.