

**BEFORE INDEPENDENT HEARING COMMISSIONERS  
AT CHRISTCHURCH**

**I MUA NGĀ KAIKŌMIHANA WHAKAWĀ MOTUHAKE  
KI ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of the hearing of submissions and further  
submissions on Plan Change 14 to the Operative  
Christchurch District Plan

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**STATEMENT OF EVIDENCE OF JOHN BROWN  
ON BEHALF OF KĀINGA ORA – HOMES AND COMMUNITIES**

**HERITAGE**

**20 SEPTEMBER 2023**

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## 1. EXECUTIVE SUMMARY

- 1.1. My name is John Edward Brown, and I am a director at Plan.Heritage Limited. I have been engaged by Kāinga Ora-Homes and Communities (**Kāinga Ora**) to provide evidence in support of its primary submission (submitter #834) and further submissions (further submitter #2099) on Plan Change 14 (**PC14**) to the Operative Christchurch District Plan (**ODP**).
- 1.2. My evidence pertains to the Kāinga Ora submissions on the proposed introduction through PC14 of Residential Heritage Areas (**Heritage Areas** or **RHA**) and implications thereof in relation to the management of heritage assets.

## 2. INTRODUCTION

- 2.1. My full name is John Edward Brown.
- 2.2. I am a Director at Plan.Heritage Ltd, an independent heritage planning consultancy.
- 2.3. I hold the qualifications of BA Archaeology (Hons) from University of Newcastle-upon-Tyne, and MA Archaeology (Distinction) from University College London. I am an Associate Member of the Chartered Institute for Archaeology (ACIfA), a supporting member of Institute for Historic Building Conservation (IHBC) and a member of International Council on Monuments and Sites New Zealand (ICOMOS NZ). I am also a member of the New Zealand Archaeological Association (NZAA).
- 2.4. I have 28 years' experience working in a variety of academic, public sector and commercial roles relating to historic buildings, archaeology and heritage planning. I have worked previously in the UK, and also on projects in Hungary and Israel. Since arriving in New Zealand in 2011, I have been employed in the areas of historic heritage, special character assessment and archaeology, as they relate to the planning framework established by the Resource Management Act 1991 (**RMA**), and to the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**).
- 2.5. From 2011 to 2015 I managed the built heritage implementation team at Auckland Council, dealing specifically with the assessment of resource

consents for historic heritage buildings and places, and special character assessments.

- 2.6. In 2015 I established Plan.Heritage as an independent heritage consultancy, providing heritage policy and planning advice to a range of public and private client sectors. I currently provide expert advice to Queenstown Lakes District Council (**QLDC**), Auckland Council, and Far North District Council, among others. For Kāinga Ora I recently provided evidence on the introduction and implementation of heritage areas in Hamilton through the HCC notified Plan Change 9.
- 2.7. Following the submission of Kāinga Ora to PC 14 I have been engaged by Kāinga Ora to consider the proposed implementation of the Heritage Areas.
- 2.8. In the course of my evidence I have considered the information provided by Christchurch City Council (**Council**) in support of PC14 as it relates to the Heritage Areas.
- 2.9. I have also undertaken site visits with the Kāinga Ora planners in August 2023.

#### **Code of Conduct**

- 2.10. Although this is a Council hearing, I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence.
- 2.11. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

#### **Scope of evidence**

- 2.12. My evidence covers the following matters:
  - (a) The submission points raised by Kāinga Ora;
  - (b) Methodology and identification of the Heritage Areas undertaken by Council;

- (c) The Heritage Area provisions;
- (d) The Heritage Area interface; and
- (e) The section 42A report and evidence of Dr Ann McEwan.

### **3. THE KĀINGA ORA CONCERNS**

3.1. Kāinga Ora in its submission considers that the introduction of heritage components in the ODP across two plan changes (ie PC13 and PC14) will create inefficiencies in the District Plan. Additionally, Kāinga Ora has concerns about the rationale around the identification of the Heritage Areas.

3.2. In that regard:

- (a) Kāinga Ora generally supports the protection of areas of historic heritage where the requirements of s 6 of the RMA are met. However, Kāinga Ora opposes the new proposed Heritage Areas that are sought to be introduced under PC13 and PC14 in their entirety.
- (b) Kāinga Ora does not consider that the proposed Heritage Areas meet the requirements of s 6 of RMA to the extent that they should be accorded 'historic heritage' status of 'national' significance.
- (c) If these areas are considered to manage character rather than protect heritage (i.e. s 7 rather than s 6, RMA), Kāinga Ora considers that a more nuanced assessment of costs and benefits applies to areas with a high proportion of Kāinga Ora housing, such as the proposed Piko/Shands character and heritage areas.
- (d) Kāinga Ora says that imposition (costs) of character controls in locations that would otherwise suit high density housing must therefore be greater than the costs applying to character areas more generally. Furthermore, having some of the Heritage Areas provisions being contained in PC14 and following an IPI process (ie the built form standards), and other Heritage Area provisions being progressed through a separate PC13, and following a First Schedule process (ie Heritage Area policies) has created efficiency issues.

- (e) Kāinga Ora seeks the deletion of any proposed changes in PC14 that seek amendments to historic heritage and special character, consistent with the relief sought in PC13.
  - (f) Kāinga Ora considers that the proposed changes across PC13 and PC14 are not qualifying matters, as the assessments in its view, do not meet the requirements under s6, s77I, s77J, s77K, and/or s77L of the RMA.
- 3.3. This statement of evidence is limited to the Kāinga Ora submissions on PC14. In that regard, I respond generally to the Kāinga Ora concerns as follows:
- (a) I agree that locating different aspects of heritage provisions across different plan changes is not helpful.
  - (b) In my opinion both heritage areas and character areas can be identified as qualifying matters, if they meet the appropriate tests set out in the RMA and in the NPS-UD.
  - (c) However, I am concerned that, because PC14 limits the definition of Heritage Areas to just one category (ie residential), there is the potential to:
    - (i) Elevate ‘character’ areas (amenity values under s 7 RMA) to a level not necessarily justified under s 6 (RMA);<sup>1</sup> and
    - (ii) ‘Miss the story’ through exclusion of other categories of heritage value.<sup>2</sup>
  - (d) Potentially the anomalies described in those examples is the result of developing Heritage Areas assessment criteria from earlier

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<sup>1</sup> For example, in the proposed Chester Street / Dawson St Heritage Area, there are character aspects but also a relatively high proportion of neutral or intrusive sites, and some modern sites have been identified as contributors to the Heritage Area.

<sup>2</sup> For example, there is an apparent lack of correlation between the historical harbour edge and commercial core of Lyttleton, demonstrated through the Heritage New Zealand Pouhere Taonga (HNZPT) Listing for Lyttleton Historic Heritage Area, and the proposed Heritage mapping. Secondly, the extension of the Heritage Area overlay is considerably broader than the existing character overlay for Lyttleton, as illustrated on planning maps provided by Council (Figure 1). Another example is Riccarton House and Riccarton Bush, which as a qualifying matter is treated as an individual heritage item and setting, but which might also be viewed as a heritage area.

studies with a predetermined focus on residential areas, which I discuss further in relation to methodology.

- (e) Maps relating to those examples described in footnotes 1 and 2 above, are set out below:

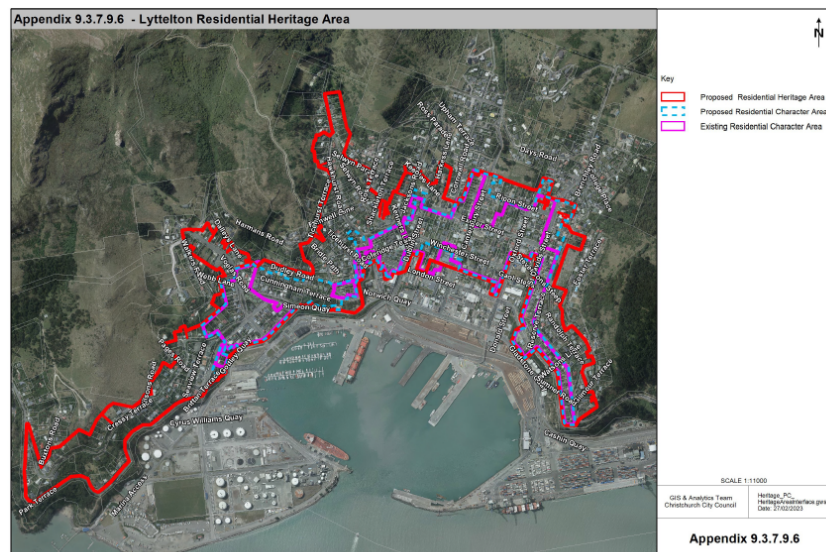
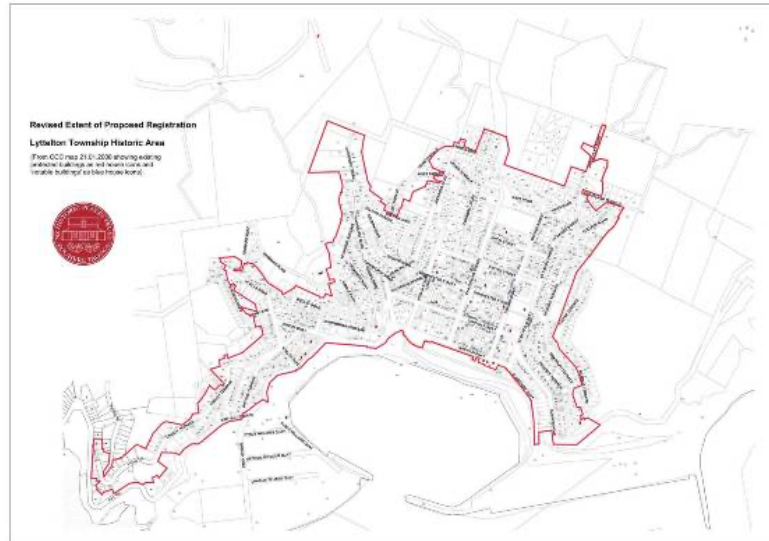


Figure 1. Comparison of Lyttelton Historic Township Area as included on HNZPT National List and proposed RHA. The historical commercial area that forms the core is essentially excluded from the RHA by virtue of its current-day commercial/industrial planning typology. The proposed Character Area overlay is different again.

#### **4. METHODOLOGY AND IDENTIFICATION OF RESIDENTIAL HERITAGE AREAS**

4.1. Several residential heritage areas are proposed through PC14. These Heritage Areas include:

- (a) Chester Street / Dawson Street
- (b) Church Property Trustees
- (c) Englefield
- (d) Heaton Street
- (e) Inner City West
- (f) Lyttelton
- (g) Macmillan Ave
- (h) Piko Shand Riccarton Block
- (i) RNZAF Station Wigram staff housing
- (j) Shelley Forbes Street
- (k) Wayside Avenue 'Parade of Homes'

4.2. There is already a pre-existing Heritage Area - Akaroa Township Heritage Area (HA1). This is not part of PC14 and I do not discuss this further in my evidence.

##### *Statements of Significance*

4.3. Statements of Significance have been prepared to justify the identified heritage values and spatial extent of these areas. I have reviewed the prepared statements for these areas and undertaken site visits to each.

4.4. In principle I support the use of 'historic heritage areas' under s 6 of the RMA. I consider that 'Historic Heritage Areas, as opposed to 'Character Areas' are important in identifying areas of particular heritage value that may include numerous individual heritage items of significance, as described by the definition of 'historic heritage' in s 2 of the RMA. These

items collectively ‘tell the story’ of Aotearoa, and in particular at the local, regional or national level. That definition reads:

“Historic heritage: (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological, (ii) architectural, (iii) cultural, (iv) historic, (v) scientific, (vi) technological; and (b) includes – (i) historic sites, structures, places, and areas; and (ii) archaeological sites; and (iii) sites of significance to Māori, including wahi tapu; and (iv) surroundings associated with the natural and physical resources.

- 4.5. The Heritage Evaluation criteria adopted for the Heritage Areas is that set out in the ODP's Appendix 9.3.7.1 Criteria for the assessment of significance of heritage values:

*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;

*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;

*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;

*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;

*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

*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.



- 4.6. These criteria are consistent with those used at the regional level in the Canterbury 2021 Regional Policy Statement (Section 13.3.1R):

**13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas.**

To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:

1. identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters: a. Historic; b. Cultural; c. Architectural; d. Archaeological; e. Technological; f. Scientific; g. Social; h. Spiritual; i. Traditional; j. Contextual; k. Aesthetic.
  2. working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.
  3. having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.
  4. considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.
  5. recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities
- 4.7. I support an approach where the higher tier RPS criteria form the basis for assessment of heritage places. This is particularly important in the case of heritage areas, where significant heritage aspects of a place may extend into the coastal environment and therefore need to be consistent with any regional coastal plan.
- 4.8. In my opinion the notion of a 'residential heritage area' as opposed to a broader definition of 'heritage area' potentially risks conflation with the role of 'Character Areas in the ODP and therefore any Heritage Area needs to be clearly justified as meeting the test for s 6. Normally this is demonstrated through research and comparative analysis.
- 4.9. Secondly there must be the ability to demonstrate the 'physical' aspects of the place have sufficient integrity to reflect the identified values and characteristics, such that they merit retention. For heritage areas, this is reflected in section 9.3.2.2.2 of the proposed PC14:

**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 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(a).
- 4.10. I note that the broader term 'historic heritage area' is employed in this policy, not residential heritage areas.
- 4.11. The summary review template included in the section 32 report for PC13 outlines the key consideration for inclusion of an area into the schedule (Figure 2)

Potential RHA Review Template

Area Name -

Potential RHA's review criteria	Y/N	Notes
Moderate to high degree of authenticity and integrity		
Group of inter-related historic heritage places, buildings, structures and/or sites within a geographical area with clear boundaries that together address the interconnectedness of people, place and activities.		
A comprehensive, collective and integrated place with coherent heritage fabric (not fragmented).		
Contains a majority of sites/building that are of defining or contributory importance to the RHA		
Predominantly developed more than 30 years ago		
Associated primarily but not necessarily exclusively with residential use		
Meets the minimum size for areas (one street block, one side of street/ minimum of approx. 15 properties)		
Represents and embodies at least one of the heritage values in Appendix 9.3.7.1 at a significant or highly significant level: <ul style="list-style-type: none"> <li>• Historical and Social Significance</li> <li>• Cultural and Spiritual Significance</li> <li>• Aesthetic and Architectural Significance</li> <li>• Technological and Craftsmanship Significance</li> <li>• Contextual Significance</li> <li>• Archaeological and Scientific Significance</li> </ul>		
Conveys/represents important aspects of the Christchurch District's cultural and historical themes and activities		
Makes a significant contribution to the Christchurch District's sense of place and identity, and an understanding of its history and cultures.		
Of heritage significance to the Christchurch District (and may also be of significance nationally or internationally)		

Figure 2. Appendix 10 - PC 13 Section 32 Report. RHA Review Template

- 4.12. In relation to this key policy and especially 9.3.2.2.2(1), in my opinion a flaw of the Heritage Statements for the Heritage Areas generally as notified

is that there is no clear determination as to whether an area is 'Highly Significant' or 'Significant', either overall or in relation to individual values.

- 4.13. This is problematic because it does not assist the reader in determining whether the area can meet the test for matters to be established under s 6(f) – Historic heritage as a matter of national importance – as opposed to meeting some lesser threshold.
- 4.14. Aside from this aspect, in general, I consider that the accompanying reports for proposed residential historic heritage areas provide reasonable levels of information on historical background, including individual site records for individual heritage places and sites in the overlays. I consider however, that:
- (a) Further comparative analysis is necessary in some instances to demonstrate why one area would be considered more significant than others of a similar typology.
  - (b) Many site individual records repeat *verbatim* the same statements as to their contribution (or otherwise) to the Heritage Area, and in some instances these statements may potentially generate inconsistency in assessment of individual places, where greater or lesser modification is apparent.
  - (c) There are apparent inconsistencies with mapping of neutral and intrusive spaces, especially regarding vacant lots or open sites without buildings
  - (d) There are perceived inconsistencies with separate mapping analysis undertaken for character areas.
- 4.15. I note that in preparing the statements of significance, there is no apparent collaboration with Ngāi Tahu, in accordance with the RPS policy. While I appreciate the focus of the proposed Heritage Areas is effectively on suburban 19<sup>th</sup> century and 20<sup>th</sup> century European development, there are potential aspects to the values statements such as underlying archaeological and cultural values that would clearly benefit from such conversation.
- 4.16. This collaboration I feel is an important aspect of evaluating heritage areas in the New Zealand context, because there is potentially an underlying

inherent conflict between the protection of physical ‘colonial’ footprints without regard to other, cultural and intangible values that might be present.

*Definitions of Defining Primary, Contributing, or neutral sites*

- 4.17. I consider that the use of the terms “defining, contributing, supporting, and neutral” are confusing when comparing the Heritage Area mapping and Character Area Mapping data. This is particularly the case for example with the Lyttleton RHA / Character Area Mapping:

Heritage Area Definition	Character Area Definition
<p><i>Defining</i> Defining Buildings, structures and other features that establish the historic heritage values of the Heritage Area. Defining buildings, structures and features embody the heritage values of the area and retain a level of authenticity and integrity sufficient to demonstrate these values.</p> <p>* Any building or structure that is individually scheduled within Appendix 9.3.7.2 of the Christchurch District Plan is deemed, regardless of its group ranking, to be making a defining contribution to the historic heritage values of the area</p>	<p><i>Primary</i> – Sites with buildings, structures, landscape, garden and other features that define the character of an area.</p>
<p><i>Contributory</i> Buildings, structures and other features that support the historic heritage values of the Heritage Area. Contributory buildings, structures and features are consistent with the heritage values of the area and may be either modified or modern buildings, structures and features in sympathy with the design and typology of their neighbours.</p>	<p><i>Contributory</i> – Sites with buildings, structures, landscape, garden and other features that support the character of an area.</p>
<p><i>Neutral</i> Buildings, structures and other features that neither establish, support nor detract from the historic heritage values of the Heritage Area. Neutral buildings, structures and features may be modern buildings that introduce a new typology (for example a cluster of flats or townhouses) or a new pattern of land development (such as cross-leasing); they generally respect the overall scale and density of the area.</p>	<p><i>Neutral</i> – Sites with buildings, structures, landscape, garden and other features that neither defines, supports or detracts from the character of an area.</p>
<p><i>Intrusive</i> Buildings, structures and other features that detract from the historic heritage values of the Heritage Area. Intrusive buildings, structures and features are developments and typologies that are</p>	<p><i>Intrusive</i> – Sites with buildings, structures, landscape, garden and other features that conflict/ detract from the character of an area.</p>

Heritage Area Definition	Character Area Definition
inconsistent with the historic heritage values of the area, including, but not limited to, non-residential uses and/or high-rise buildings. Vacant lots, from which buildings have been demolished or removed, are also considered intrusive within the streetscape of the Heritage Area.	

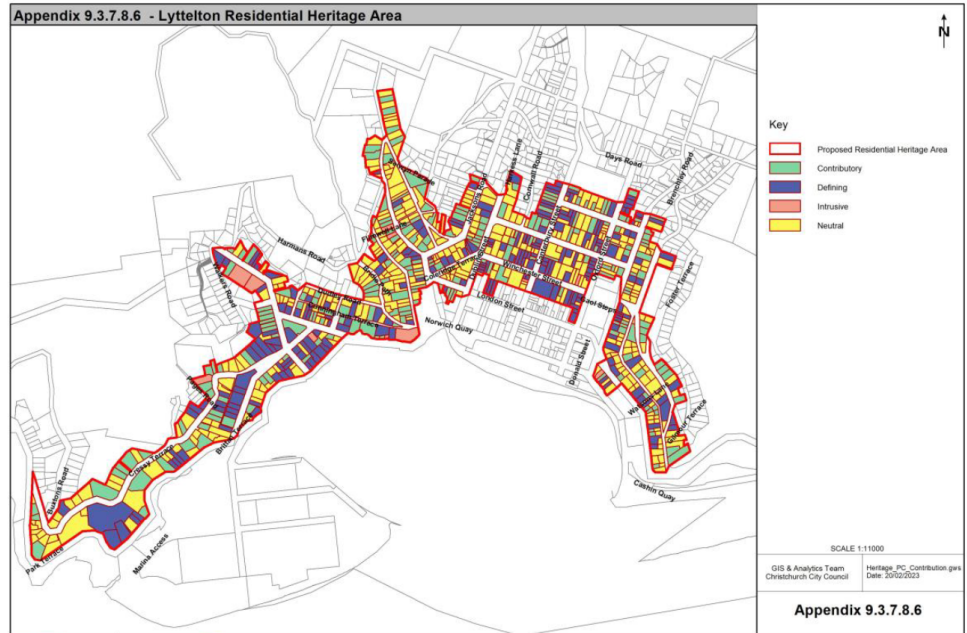
- 4.18. In my opinion the potential for conflation of character and heritage values is quite apparent here. In terms of a hierarchy within the plan provisions, there is no strong distinction here between what constitutes a contribution to *character* compared to what contributes a contribution to *historic heritage*.
- 4.19. Better distinction may be achieved, at the least, through differentiation of terms for Heritage Areas and Character Areas. For example, the terms 'Primary' and 'Supporting' might be utilised for Character areas, while 'Defining and Contributing' might be used for Heritage Areas. 'Neutral' and intrusive sites are perhaps less of an issue, as they have less influence on determining the nature of an area in terms of 'positive' scoring.
- 4.20. I also disagree that '*de facto*' the scheduling of a place means that it directly contributes to a 'residential heritage area'. An individual place may be scheduled for values that do not directly relate to those for which a residential heritage area is recognised. Commercial or engineering heritage for example may not directly relate to the identified Residential Heritage Area values.

#### *Conclusions*

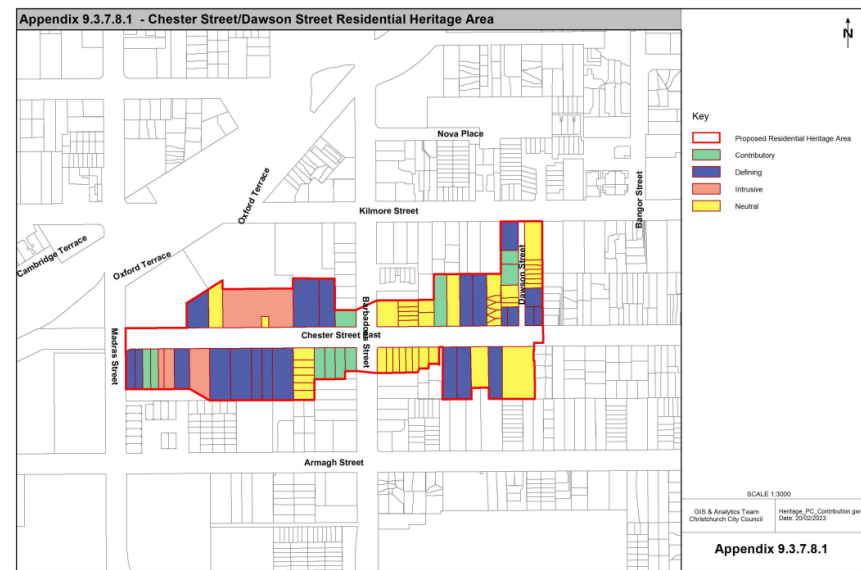
- 4.21. Overall, I am of the view that, in principle, the identification of heritage areas as a planning tool is appropriate, and that the criteria for assessment are also appropriate, being consistent with both the ODP and RPS.
- 4.22. However, I think that the statements generally need to be clearer on the thresholds of significance to justify elevation of areas to Heritage Areas (i.e. residential heritage areas as identified in PC14), and they are not clear at the moment. An expression of whether the place has local, regional and/or national significance would assist to provide this clarity.

- 4.23. I also have some concerns with some of the methodology *in its application* and identification of places at the site level, and I note some inconsistencies in the level of information provided to justify the selection of the Heritage Areas.
- 4.24. I consider for example that the proposed Heritage Area for 'Wayside Avenue Parade of Homes' was well researched, so that the 'story' of what on the face of it was an ordinary street, became evident. I agree that there was also a high degree of integrity of surviving fabric to reflect this aspect.
- 4.25. In other cases, I felt this was less clear. For example, with the mapping for the proposed Extent of the Lyttleton Heritage Area and Chester Street East / Dawson Street, the majority of individual sites appear to be identified as 'neutral' or intrusive (Figure 3). This does not appear to be consistent with the requirement that the majority of places should be of at least 'moderate' integrity.
- 4.26. I also think that how a determination is made to identify individual places 'of at least moderate integrity and authenticity' is not particularly clear. This is reflected by apparent inconsistencies in the analysis of places with 'defining' 'contributory', 'neutral' or 'intrusive' places between Character mapping and RHA mapping. This is particularly in relation to variances in sites that might be considered borderline contributing or neutral. For example:
- (a) In the Piko Shands Heritage Area, areas of open space (Harrington Park) is identified as a 'defining' space, while the Shand Crescent Reserve is 'contributory'. The road layouts and other aspects have been identified and described in the statement as defining features of the State House Design developed in 1936 /1937. However, from the information and subdivision plans provided in the heritage statement, it is readily apparent that the fundamentals of the designed landscape have their origin in the uncompleted subdivision developed by the Trotting Club in the 1920s. it might therefore be more appropriate to identify them as neutral or contributing elements.

- (b) Similarly, the dairy on Peverall Street is identified as defining, despite being a non-residential development constructed after WWII, and therefore not part of the initial 1930s subdivision.



Christchurch District Plan Christchurch City Council Proposed Plan Change 13 - Lyttelton HA7 site contributions map - for notification



Christchurch District Plan Christchurch City Council Proposed Plan Change 13 - Chester Street East / Dawson Street HA2 site contributions map - for notification

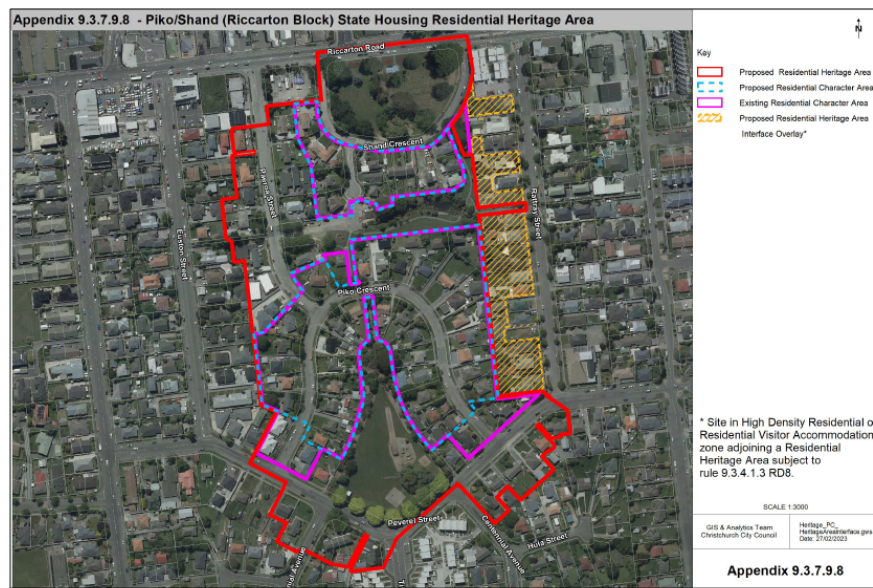
Figure 3. Lyttelton Proposed RHA and proposed Chester Street East / Dawson Street. Majority of sites are 'neutral or intrusive'

- (c) Reference to the Methodist Church as being related to the State House Development is not correct. Spatially, it is within the proposed area, but, as I understand, it the church was privately owned and developed. The report also acknowledges that the Plunkett Rooms

were also developed later after the war and were not part of the 1936/37 design phase.

- (d) Modern properties at 10 and 10A Paeroa Street are shown as contributing, while on the opposite side of the road, similar properties are 'intrusive'.

4.27. From my site visit to the proposed Piko Shands RHA, I consider that those areas also recognised as part of the proposed character area generally along Piko Crescent had reasonable integrity as a quantum of defining contributing places (Figure 4). I can support their inclusion in a Heritage Area if it is retained. I consider this is less apparent along Tara Street, Paeroa Street and Peverell Street between Centennial Avenue and Tika Street. Similarly, so for Shand Crescent on the east and west arms of the crescent.





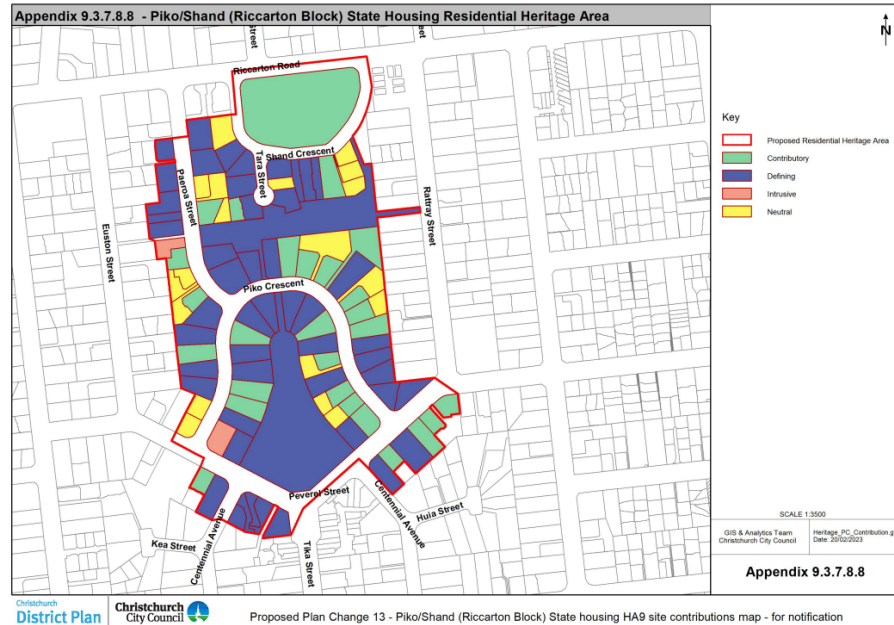


Figure 4. Comparison of Existing and Proposed Character Areas and proposed RHA for Piko-Shands, and mapping of individual sites. Setting aside the parks, the concentrated and coherent area of defining and contributing sites is Piko Crescent and Peverell Street east of the crescent.

- 4.28. In these locations, including only the contributing or defining sites, and excluding the parks if they were re-evaluated as neutral, would result in a much more patchily defined spatial extent of the Heritage Area than that proposed.
- 4.29. In my opinion, while I agree with proposed criteria for assessment and with the proposed thresholds, in application I have some concerns over the consistency and robustness of the data in some instances.
- 4.30. In my opinion additional peer review and consideration of the proposed RHA methods needs to be undertaken to address inconsistencies and anomalies apparent in the notified material ,before the proposed RHAs can be accepted.
- 4.31. Ideally this would also include collaboration with Ngāti Tahu in order to fulfil the policy direction set out in the Canterbury RPS.

## 5. THE HERITAGE AREA PROVISIONS

- 5.1. In relation to the provisions of PC13 and PC14, The Kāinga Ora submission raises some concerns about the application of objectives policies and rules, and the need for clarification.

## Objectives and Policies

- 5.2. I agree with the proposed minor modifications to Policy 9.3.2.2.3 – Management of scheduled historic heritage and to Policy 9.3.2.2.5 – Ongoing use of scheduled historic heritage, so that they include reference to Heritage Areas, defining and contributory buildings.
- 5.3. Policy 9.3.2.2.8 is proposed to be amended to also include the demolition of ‘defining’ and ‘contributory’ buildings in RHA.
- 5.4. Mr Tim Joll, a planning consultant giving evidence for Kāinga Ora has, in his evidence, applied a robust planning analysis to the policy as notified. He has identified some issues with the policy as worded and has proposed an additional clause as follows

### **9.3.2.2.8 b Policy – Demolition of Defining or Contributory buildings in a Residential Heritage Area**

a. When considering the appropriateness of the demolition of ‘defining’ or ‘contributory’ buildings in a heritage area scheduled in Appendix 9.3.7.3, have regard to the following matters:

i. Whether the demolition of the building(s) will significantly compromise the collective heritage values and significance of the heritage area.

- 5.5. I agree that this is an appropriate addition to provide for management of potential effects on defining and contributing buildings. This is particularly the case where, as notified, there are modern buildings identified as contributing buildings.
- 5.6. I also consider that an additional amendment should be included to provide a more enabling pathway for change where sites or features are identified as neutral or intrusive to Heritage areas.
- 5.7. This might sit best under Policy 9.3.2.2.3 – Management of scheduled historic heritage at (b), for example:

“Enable removal or adaption of intrusive sites or features where this maintains and enhances the heritage values of a heritage item or heritage area.”

## Rules

- 5.8. Rule 9.3.2.1.1 P2 provides for repairs to heritage items or a defining or contributory buildings in a heritage area as a permitted activity provided a scope of works and proposed temporary protection measures are

submitted to Council's Heritage team for comment at least 10 working days prior to the work commencing.

- 5.9. Mr Joll's analysis of this rule and associated definitions is that occupants who require repairs to leaks or in need of replacement heating could have to wait weeks for the matter to be addressed. Further, he considers that the matter of discretion provides no additional protection to the heritage item or defining or contributory buildings and recommends this activity specific standard be deleted.
- 5.10. I agree with this view.

### **Standards**

- 5.11. In relation to PC14, specific provisions raised in the Kāinga Ora submissions relate to the following standards for new buildings in Heritage Areas:
- (a) Density Residential Standards and/or intensification enabled under Policy 3.
  - (b) 14.5.3.2.3 Building height - Residential Heritage Areas.
  - (c) 14.5.3.2.7 Number of Residential Units Per Site - Residential Heritage Areas.
  - (d) 14.5.3.2.8b, 8c Setbacks - Residential Heritage Areas.
  - (e) 14.5.3.2.9 Building Coverage - Residential Heritage Areas.
  - (f) 14.5.3.2.10c Outdoor living space - Residential Heritage Areas.
- 5.12. In my experience, the application of modern planning standards to address or control heritage and character matters can lead to perverse outcomes whereby the identified values of a place cannot be easily retained or enhanced due to 'adversarial' constraints on development activities that were simply not present at the period of historical interest. An example is the use of HIRB controls in urban residential areas where, historically, development occurred right to the property boundary.
- 5.13. I think that 'better' heritage (and also character outcomes) may often be achieved through provision of a more enabling development pathway that

focuses on encouraging a desired outcome, rather than arbitrarily restricting change to control adverse effects. For example, ensuring development is a permitted or controlled activity, dependant on the scale of that work, where it can be demonstrated that such development is in accordance with design guidelines, often encourages better outcomes:

- (a) Permitted activities might include the replacement of existing paving and hardstanding, erection of fences to approved design and height, ancillary garden buildings less than 10m<sup>2</sup>, and removal of free-standing intrusive elements that are detracting from identified heritage values.
- (b) Controlled activities might be new development, additions and alterations demonstrably in keeping with design guidelines.
- (c) Where a deviation is observed from such an approach, a Restricted Discretionary activity might be more appropriate.

- 5.14. I agree with Mr Joll's recommendation that the provision of triggers for resource consent through additional controls on standards is probably not necessary to manage effects on heritage, where there is already a blanket requirement for RD Consent proposed in relation to new development.

## **6. RESIDENTIAL HERITAGE AREA INTERFACE**

- 6.1. PC 14 seeks to establish controls to some areas adjacent to identified residential heritage areas. These include Chesterfield / Dawson Street RHA, Englefield Avonille RHA, Heaton Street RHA, Inner City West RHA, and Piko Shands RHA
- 6.2. In my opinion, as a general principle, the application of additional controls outside of the spatially defined heritage overlay is not appropriate. This is because the intent of the heritage area overlay is to control development activity within a broader environment than just the individual site.
- 6.3. Application of the RHA interface controls would therefore establish more onerous controls for sites of aggregated heritage value, than for individual sites, which is highly counter-intuitive in relation to the generally accepted hierarchy of significance established by the ODP in relation to Historic Heritage and Character overlays:

- (a) Individual Sites of High Significance (s 6(f), RMA)
  - (b) Individual Sites of Significance (s 6(f), RMA)
  - (c) Heritage Areas (s 6(f), RMA)
  - (d) Character Areas (Other Qualifying Matters – s 7, RMA amenity)
- 6.4. I consider this is also a potentially relevant concern for the application of height controls adjacent to Riccarton Bush to protect heritage views towards the heritage landscape. I acknowledge however that there is a unique aspect to this site with regard to its natural heritage, and that it is not unusual for district plans to control views towards important natural features through height controls. An example in the Auckland context are viewshafts towards the Maunga.

## **7. RESPONSE TO THE SECTION 42A REPORT BY DR ANN MCEWAN**

- 7.1. Dr McEwan outlines the methodology for the RHAs in her evidence<sup>3</sup> and as noted above I generally concur with this approach
- 7.2. In response to submissions from Kāinga Ora, Ms McEwan primarily addresses matters raised in relation to the proposed Piko Shands RHA<sup>4</sup>.
- 7.3. As noted above, I consider that further analysis of the extent to which an RHA should be applied is necessary, and further explanation should be provided to demonstrate why this area is of greater importance such that it should be established as an RHA.
- 7.4. If the RHA is retained, I can support a reduced area that demonstrates stronger integrity as noted in my evidence above.
- 7.5. A key issue raised is the nature of ‘unimplemented resource consents’ and whether these have a bearing on assessing the area for inclusion in the ODP.
- 7.6. Ms McEwan considers this is irrelevant, because it cannot be prejudged whether such consents will be implemented<sup>5</sup>. From a historic heritage perspective I have some sympathy with this view, but I understand that

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<sup>3</sup> Evidence of Dr Ann McEwan 11 August 2023. Paras 17-20

<sup>4</sup> Evidence of Dr Ann McEwan 11 August 2023. Pars 74 to 75

<sup>5</sup> Ibid para 75.

this does need consideration from a planning perspective especially in consideration of the future planning environment.

- 7.7. If it is accepted that the existence of CoCs has significant weighting, then in my opinion it would be harder to justify retention of the RHA on the basis of its integrity.

## **8. CONCLUSION**

- 8.1. I agree in principle with the use of historic heritage areas, and with the methodology for assessment criteria to establish historic heritage areas.
- 8.2. I consider that limiting the introduction of historic heritage areas to those relating to 'residential' areas only potentially conflates character and heritage, especially when comparing the application and mapping of defining, contributing, primary, natural and intrusive sites.
- 8.3. I consider that there are however apparent anomalies and inconsistencies in the application of the methodology such that, in my opinion, additional peer review and analysis of the proposed RHAs needs to occur before they can be accepted in full as part of the ODP.
- 8.4. I consider that if RHAs are introduced, some modification to provisions and rules is appropriate to ensure stated objectives and policies relating to management of the historic resource are achieved.

Dated 20 September 2023



**John Brown**