

Central Hawke's Bay District Council

Proposed District Plan

Historic Heritage – Including Notable Trees Section 32 Topic Report

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Contents

Exec	utive Sur	nmary	1	
1	Intro	Introduction		
2	Statutory & Policy Context			
	2.1	Resource Management Act 1991 (RMA)	1	
	2.2	National Direction	2	
	2.3	Regional Policy Statement & Regional Plans	3	
	2.4	Other Legislation & Regulations	5	
	2.5	Local Policies, Plans & Strategies	6	
	2.6	Other Documents	7	
	2.7	Operative District Plan Approach	7	
3	Appro	oach to Evaluation	8	
	3.1	Background Research	8	
	3.2	Technical Information and Analysis	10	
	3.3	Consultation	12	
	3.4	Draft District Plan Feedback	13	
	3.5	Decision-Making	14	
	3.6	Resource Management Issues	15	
4	Evalu	ation of Proposed Objectives	16	
5	Evalu	ation of Proposed Provisions (Policies & Methods)	18	
	5.1	Identification of Reasonably Practicable Options	18	
	5.2	Evaluation of Proposed Policies and Methods	22	
	5.3	Adequacy of Information and Risks of Acting or Not Acting	27	
	5.4	Quantification	27	
6	Sumr	mary and Conclusion	27	

REFERENCES

1 Introduction

This report contains a summary evaluation of the objectives, policies and methods applying across the District relating to historical heritage and notable trees in the Proposed Central Hawke's Bay District Plan. It is important to read this report in conjunction with the Section 32 Overview Report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

This report contains a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from implementing the proposed provisions.

The provisions of the Proposed Plan have been assessed against the relevant higher-order documents that have been prepared under the RMA.

For the purposes of this report, the term 'Historic Heritage Items' and 'Notable Trees' have been applied to the relevant items, areas and trees identified on the planning maps and contained in the HH-SCHED2 and TREE-SCHED4 Schedules.

Provisions relating to 'Sites and Areas of Significance to Māori' (SASM) are covered in the Section 32 Tangata Whenua Topic Report.

2 Statutory & Policy Context

2.1 Resource Management Act 1991 (RMA)

Section 31 of the RMA sets out the functions of territorial authorities. The key function for the District Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. 'Natural and physical resources' includes all parts of the natural environment, including air, water, soil, and ecosystems (natural resources) throughout the District.

Section 5 sets out the purpose of the RMA, which is to promote sustainable management of natural and physical resources and this is explained more in Section 5(2).

'In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing, and for their health and safety while —

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

Sections 6 and 7 of the Act set out principles of 'national importance' and 'other matters' which the Council shall recognise and provide for, or have particular regard for, when reviewing the District Plan.

The following section 6 'matter' is directly relevant to the heritage provisions:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

Historic heritage is defined in Section 2 of the RMA as –

- (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 wāhi tapu; and
 - (iv) surroundings associated with the natural and physical resources.

Section 7 of the Act requires the Council to have particular regard to the following matters:

- (a) kaitaikitanga
- (aa) the ethic of stewardship

Section 8 of the Act requires Council to take into account the principles of the Treaty of Waitangi. Tangata whenua, through iwi authorities have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

Section 31 of the RMA further requires Councils to control any actual or potential effects of the use, development, or protection of land.

Section 74(2)b(iia) of the RMA further requires Council to have regard to any relevant entry on the New Zealand Heritage List / Rārangi Kōrero when preparing a District Plan. The List contains four categories: historic places, historic areas, wāhi tapu and wāhi tapu areas. To give effect to these obligations the District Plan needs to identify these resources.

Section 76(4A) and (4B) also provides particular restrictions to the felling, trimming, damaging or removal of a tree or trees on urban environment allotments requiring that they must be identified in a schedule to the Plan and their allotment specifically identified.

All the above matters are relevant when considering how best to provide for historic heritage issues and ensuring their protection from inappropriate subdivision, use and development in the District Plan.

2.2 National Direction

When considering matters related to historic heritage and notable trees, the only national direction that applies is the New Zealand Coastal Policy Statement (2010). The format of all District Plan provisions is also subject to the National Planning Standards.

2.2.1 New Zealand Coastal Policy Statement 2010

Under section 75(3)(b) of the RMA, the District Plan must give effect to any New Zealand Coastal Policy Statement (NZCPS).

The NZCPS 2010 has a specific policy (Policy 17) to protect historic heritage in the coastal environment from inappropriate subdivision, use and development, by:

Identification, assessment and recording of historic heritage, including archaeological sites;

- Providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- Initiating assessment and management of historic heritage in the context of historic landscapes;
- Recognising that heritage to be protected may need conservation;
- Facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- Including policies, rules and other methods relating to the above in regional policy statements, and plans;

- Imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- Requiring, where practicable, conservation conditions; and
- Considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

The Proposed District Plan identifies a small number of historic heritage items in the coastal environment, and contains provisions to protect and manage these.

2.2.2 National Planning Standards (November 2019)

The first set of National Planning Standards (NPS) were released in April 2019. Their purpose is to improve consistency in district plan and policy structure, format, and content.

The District Plan Structure Standard (Standard #4) and the District-Wide Matters Standard (Standard #7, clause 15) direct that the provisions for protecting and managing historic heritage must be located within the 'HH — Historic Heritage' chapter under the 'Part 2 Historical and Cultural Values' heading. The 'Schedule of Historic Heritage Items' (HH-SCHED2) is also included in this chapter as provided for in the Format Standard (Standard #10, clause 33).

The District Plan Structure Standard (Standard #4) and the District-Wide Matters Standard (Standard #7, clause 16) direct that the provisions for Notable Trees must be located within the 'TREE – Notable Trees' chapter, also under the 'Part 2 Historical and Cultural Values' heading. The 'Schedule of Notable Trees' (TREE-SCHED4) is also included in this chapter as provided for in the Format Standard (Standard #10, clause 33).

2.3 Regional Policy Statement & Regional Plans

2.3.1 Hawke's Bay Regional Resource Management Plan (28 August 2006) (incorporating the Regional Policy Statement)

Under Section 75(3)(c) of the RMA, the District Plan must 'give effect to' the Regional Policy Statement (RPS), and under section 75(4)(b) the District Plan must not be inconsistent with a regional plan.

The Hawke's Bay Regional Policy Statement (RPS) is contained within the Hawke's Bay Regional Resource Management Plan (RRMP). The following RPS provisions are relevant to this topic.

3.14 RECOGNITION OF MATTERS OF SIGNIFICANCE TO IWI /HAPU

OBJ 36: To protect and where necessary aid the preservation of waahi tapu (sacred places), and tauranga waka (landings for waka).

POL 64: Activities should not have any significant adverse effects on waahi tapu, or tauranga waka.

These matters have been considered in the preparation of the 'SASM – Sites and Ares of Significance to Māori' chapter of the Proposed District Plan, and are addressed in the Section 32 Tangata Whenua Topic Report.

2.3.2 Hawke's Bay Regional Coastal Environment Plan (2014)

Under Section 75(4)(b) of the RMA, the District Plan must also not be inconsistent with a regional plan.

The Hawke's Bay Regional Coastal Environment Plan (RCEP) is therefore also relevant.

6 Relationship of Māori and the coast

Objective 6.1

'The protection of the characteristics of the coastal environment of special spiritual, heritage, historical and cultural significance to tangata whenua' and the following policies are particularly relevant:

Policy 6.3 To promote the protection of sites within the Coastal Margin of spiritual, heritage, historical or cultural significance to Maori identified in accordance with tikanga Maori.

Policy 6.4 To ensure adverse effects of activities on sites and areas of significant cultural value to tangata whenua are avoided, remedied or mitigated.

7 Historic heritage

Issue 7.1

Both identified and unidentified historic heritage resources within the coastal environment can be adversely affected by inappropriate subdivision, use and development.

Objective 7.1

Protection of historic heritage within the coastal environment from inappropriate subdivision, use and development.

Policies

- Policy 7.1 To have particular regard to the avoidance, remediation, or mitigation of adverse effects on historic heritage resources within the coastal marine area.
- Policy 7.2 To identify historic heritage resources within the coastal marine area that require active conservation intervention to ensure those resources are protected for future generations.
- Policy 7.3 To ensure any adverse effects on historic heritage resources within the coastal marine area are avoided, remedied or mitigated.
- Policy 7.4 To ensure that historic heritage of significance to coastal hapu are protected from inappropriate subdivision, use and development.
- Policy 7.5 To implement the policies set out above predominantly in the following manner:
 - (a) resource consents the policies will primarily be used in the process of making decisions on resource consents in accordance with the RMA;
 - (b) regional rules the policies have been incorporated into rules (including conditions, standards and terms) set out in Part E of this Plan and provide a basis for the level of regulation used;
 - (c) non-regulatory methods the policies may also be implemented through nonregulatory methods where appropriate, including the provision of information, environmental monitoring and reporting, and liaison/consultation with resource users and territorial authorities.

Explanation and reasons

The RMA requires that historic heritage resources should be protected from inappropriate subdivision, use and development. The Regional Coastal Plan would not be consistent with the RMA and the New Zealand Coastal Policy Statement if it failed to do so. In Hawke's Bay, coastal resources have historically attracted settlement near the coast. Those settlements have since contributed to Hawke's Bay's historic heritage which includes archaeological sites, historic places, historic areas, shipwrecks, buildings and structures, as well as natural features and objects of historic and cultural significance. Both identified and unidentified historic heritage resources within the coastal environment can be adversely affected by inappropriate use and development.

Some of the region's historic heritage features are located in the coastal marine area or straddle the mean high water springs mark. Such sites can become under threat of being compromised or lost through increasing pressure for use and development in the coastal marine area. Effects of activities on historic heritage resources above mean high water springs are controlled by city and district councils through district plans, and also the New Zealand Historic Places Trust under the Historic Places Act 1993.

Some territorial authorities have already identified historic heritage features located within their respective districts and included those features in their district plans. District plans are the appropriate planning documents for ensuring the sustainable management of historic heritage resources located above mean high water springs. It is important to note that historic places within the coastal marine area cannot be protected through the RMA's heritage order process as the RMA defines heritage orders as provisions within district plans. Regulatory protection of these resources is reliant upon appropriate rules in the regional coastal plan.

Accordingly, the objective and its associated policies recognise the importance of retaining diverse and representative examples of significant historic heritage resources located within the coastal marine area.

The Council will also consider the means necessary to ensure adverse effects on such historic heritage resources are appropriately avoided, remedied or mitigated.

Under the Historic Places Act 1993, all recorded and unrecorded pre-1900 archaeological sites are protected. That degree of protection is in addition to any restrictions imposed by regional and district plans.

All of the coastal environment is of significance to Ngati Kahungunu iwi and constituent hapu. Within the coastal environment are areas and sites of 'special significance' due to the context, depth, nature and extent of coastal hapu relationships with specific characteristics. Historic heritage is a major component of hapu relationships with these sites having helped to define their identity over time. To safeguard these relationships and continued customary access and use requires identification of a number of these sites, notwithstanding the importance of the coastal marine area and coastal environment as a whole. Within the Significant Conservation Areas are other historic heritage sites which coastal hapu have used, and continue to use for their spiritual and physical sustenance.

Anticipated environmental results

- AER 7.1 Preservation and protection of historic heritage resources in the coastal marine area which have heritage values.
- AER 7.2 Retention of a diverse and representative range of historic heritage resources in the coastal marine area.
- AER 7.3 Avoidance, remediation or mitigation of adverse effects on historic heritage resources within the coastal marine area.

The Proposed District Plan identifies a small number of historic heritage items, including wāhi tapu sites in the coastal environment, and contains provisions to protect and manage these.

2.4 Other Legislation & Regulations

2.4.1 Heretaunga Tamatea Claims Settlement Act 2018 (Statutory Acknowledgements)

Heretaunga Tamatea and its hapū is one of six large natural groupings represented by He Toa Takatini who negotiated settlement of the historical Treaty of Waitangi claims of Ngāti Kahungunu, signed on the 26 September 2015. Settlement assets for Tamatea sit with the trustees of the Heretaunga Tamatea Settlement Trust, the post-settlement governance entity.

As part of the deeds of settlement are statutory acknowledgements. These statutory acknowledgements are to be scheduled and mapped in the relevant District Plan.

The purposes of statutory acknowledgements are:

- To require consent authorities, the Environment Court, and Heritage New Zealand Pouhere Taonga to have regard to the statutory acknowledgements in their decision-making.
- To require relevant consent authorities to forward summaries of resource consent applications
 for activities within, adjacent to, or impacting directly on, relevant statutory areas to the
 governance entity.

The Statutory Acknowledgement Areas within the Central Hawke's Bay District are likely to contain Historic Heritage items within their boundaries.

2.4.2 Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act)

The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) provides a framework for the identification and listing of historic buildings, historic areas, wāhi tapu and wāhi tapu areas. Listing of buildings or land does not, however, offer direct protection under the HNZPT Act. Listing is primarily a means of identifying significant Heritage Items for the purposes of information and advocacy, with items listed by Heritage New Zealand Pouhere Taonga notified to Territorial Authorities.

The HNZPT Act also has requirements relating to all archaeological sites, whether they are identified, unknown, listed or recorded. Section 42 of the HNZPT Act 2014 makes it an offence for anyone to

destroy, damage or modify the whole, or any part of any site, if it is known or suspected to be an archaeological site. Section 44 of the Act, however, allows an application to destroy, damage or modify an archaeological site to be made to Heritage New Zealand Pouhere Taonga.

An archaeological site is defined in the HNZPT Act as any place in New Zealand (including buildings, structures or shipwrecks) that was associated with pre-1900 human activity, where there is evidence relating to the history of New Zealand that can be investigated using archaeological methods.

Before undertaking any work that may affect an archaeological a developer / landowner must obtain an authority from Heritage New Zealand. This work could include, amongst other things:

- Earthworks for forestry tracks, planting and harvesting
- Earthworks for residential developments, including building platforms, topsoil stripping and access ways
- Earthworks for stock races or farm tracks, fencing or landscaping
- Trenching for telephone, power, and waste disposal
- Road construction
- Quarrying
- Building demolition
- Alteration of a shipwreck

There is often confusion between the role of Heritage New Zealand and Council with respect to the management and protection of heritage resources and archaeological sites. The Proposed District Plan Heritage provisions seeks to clarify Council's obligations to ensure that the District's heritage resource is appropriately protected.

2.4.3 The Building Act 2004

The Building Act 2004 provides for the regulation of building work, to ensure new buildings comply with the building code, in ways that promote sustainable development.

The Building (Earthquake-prone Buildings) Amendment Act 2016 (the Act) came into force on 1 July 2017 and included new provisions for seismic strengthening requirements for earthquake-prone buildings. Under this amendment Council has until 2023 to complete a seismic capacity assessment of existing non-residential buildings and multi-storey and multi-unit residential buildings in the districts. Any buildings considered 'earthquake prone' (less than 34% of the new building standard), would need to be strengthened to meet new building standards within 25 years.

The cost of seismic strengthening can be a huge deterrent to the ongoing viability of heritage buildings. Provisions in the Proposed District Plan anticipate this and specifically seek to enable proposals for earthquake strengthening of heritage buildings.

2.5 Local Policies, Plans & Strategies

2.5.1 Iwi Management Plans

There are no current Iwi Management Plans operating within the Central Hawke's Bay District.

2.5.2 Tūhono mai Tūhono atū

In August 2020 the District Council adopted its first Maori Strategy developed in partnership with Te Taiwhenua o Tamatea, recognising the special status of mana whenua and taking into account the Te Tiriti o Wāitangi in resource management making processes as well as increasing cultural capacity and capability of Council to effectively engage with Tangata Whenua.

The importance of this relationship is recognised in advancing protections for historic heritage of importance to Māori going forwards.

2.5.3 Dangerous and Insanitary Buildings Policy (December 2020)

This policy sets out Council's responsibilities and approach to dangerous and unsanitary buildings in the District.

With respect to heritage buildings, the policy acknowledges the need for special efforts with respect to heritage buildings identified in Appendix B of the Operative District Plan¹, the requirements of Heritage New Zealand Pouhere Taonga and in particularly important cases, the need for public consultation.

2.6 Other Documents

In addition to the above documents, the following background documents have been considered and informed in reviewing the District Plan and evaluating Plan provisions:

- NZ Historic Places Trust (2007) Sustainable Management of Historic Heritage, Guide No. 3: District Plans
- NZ Historic Places Trust (2007) Sustainable Management of Historic Heritage, Discussion Paper No. 6: Heritage at Risk: Addressing the Issue of the Demolition by Neglect of Historic Heritage in New Zealand.

These documents advocate for an integrated management approach including incentives, education, support and regulation.

2.7 Operative District Plan Approach

With respect to heritage values the Operative District Plan has:

- A Schedule of Heritage Items and Notable Trees (Appendix B), that are also identified on the Planning Maps; and
- A Schedule of Archaeological Sites (for information purpose only, Appendix F), that are also identified on the Planning Maps.

Appendix B, Schedule of Heritage Items and Notable Trees lists 71 Heritage Items and two Notable Trees (the first comprising a group of notable trees). A reference number, map number and zone location are listed with each item and notable tree. There is no information relating to the level of significance of the heritage items or notable trees, and no specific heritage values are identified. It is understood that the Heritage Items listed on this Schedule were based on the New Zealand Heritage Pouhere Taonga/Rārangi Kōrero list at the time the current District Plan became operative, but there is nothing in the Operative District Plan to confirm this.

Appendix F, Schedule of Archaeological Sites (For Information Only) comprises sites recorded on the New Zealand Archaeological Association 'ArchSite' database, presumably at the time the Operative District Plan was notified.

The 'rules' relating to heritage items in the Operative District Plan allow work to heritage items listed in the Schedule of Heritage Items and Notable Trees, subject to notification procedures. For alterations, excluding minor works, the applicant must notify the proposal in writing to New Zealand Pouhere Taonga and send a copy to Council. Minor works are defined within the rule as being:

'the minor repair of a building where minor repair means the repair of materials by patching, piecing-in, splicing and consolidating existing materials and including minor replacement of components such as

¹ Noting that this policy will need to be updated to refer to the revised Historic Heritage Schedule HH-SCHED2 in the Proposed District Plan.

individual bricks, cut-stone, timber sections, tiles, and slates where these have been damaged beyond reasonable repair or are missing. The replacement should be of the original or similar material, colour, texture, form and design as the original it replaces and the number of components replaced should be substantially less than existing. Also general care and maintenance of trees included in Appendix B'.

For works involving removal, demolition, or destruction of heritage items listed in the Schedule of Heritage Items and Notable Trees, the applicant must notify the Council two months prior to works commencing and provide details of what is proposed. Council is then required to notify all local and central government agencies and special purpose groups that have an interest in the heritage item. There are no specific standards that apply and thus no resource consent required. This has resulted in Council having no past resource consent data in relation to works undertaken on heritage items within the District.

There are no other specific rules relating to notable trees or archaeological sites.

3 Approach to Evaluation

3.1 Background Research

In 2017, a high-level scoping exercise was undertaken to determine what aspects of the Operative District Plan were in reasonable shape and identify areas for review and the general approach to be taken to review them².

With respect to historic heritage, the Scoping Report noted that the 'Existing heritage and notable tree provisions in the District Plan are very light, and schedules need revision' and that the heritage provisions in general failed to adequately address the matters of national importance in section 6(f) and other matters in section 7 of the RMA. The Scoping Report recommended:

- a) developing a new set of District Plan provisions/chapter addressing historic heritage and notable trees (this may include consideration of an option to develop a GIS 'heritage alert' overlay, that may sit outside of the District Plan);
- b) a review and update of Appendix B Schedule of Heritage Items and Notable Trees, and their location on the respective Planning Maps.

As part of the District Plan scoping exercise the following background reports and feedback were also noted:

3.1.1 Rural Discussion Document, CHBDC, February 2012

This document was released for public discussion as part of the rolling District Plan review. It identified and sought feedback from the community on a range of issues relating to Subdivision and Land Use in the Rural Zone, Reverse Sensitivity/Farming Activities, Significant Landscapes, Significant Indigenous Vegetation, Noise, Earthworks, Climate Change, and Natural Hazards.

35 submissions were received on the Rural Discussion Document, including the following relevant issues raised by Heritage New Zealand:

- Earthquake strengthening of historic buildings should be no more than a Controlled Activity;
- Lack of safeguards for archaeological sites, gaps/lack of robustness in listings of waahi tapu and sites of significance to Maori, including landscapes.

² "Initial Section 32 Scoping Report – CHB District Plan Review 2017", prepared by Sage Planning HB Ltd, dated 24 August 2017.

3.1.2 'Central Hawke's Bay District Plan Review – A Report on the Efficiency and Effectiveness of the Central Hawke's Bay District Plan', CHBDC, August 2017

This report identified the following issues with the approach in the Operative District Plan in relation to historic heritage and notable trees (in summary):

- Examples of District Plan effectiveness achieved as a result of the review might include the following:
 - o increased recognition of and provision for heritage sites and buildings;
- Examples of current District Plan provisions considered less than effective include:
 - o a lack of additional heritage items for inclusion in the Plan suggesting a need for further review of items for inclusion in the schedules.
- In view of the fact that this particular resource management issue is a matter of national importance in the RMA, it is recommended that a separate and new chapter be formulated to provide for the issue of heritage values. The existing provisions are very light and schedules need to be revised to ensure that the District Plan recognises as many historic places and sites as possible.
- The Council has received feedback from Heritage New Zealand (previously Historic Places New Zealand) in regard to the current provisions for heritage in the Operative Plan. Heritage New Zealand supports a comprehensive review of the Plans provisions and it is intended to adopt this approach in the review of the Plan.
- The inclusion of notable trees in this section of the draft plan is recommended to ensure that the issue is included in an appropriate section of the final plan.
- A number of trees have been planted in the district to mark special occasions and events and therefore contribute to the heritage values of the district. A revised Register of Notable Trees should be included in the draft plan schedules.

3.1.3 'Central Hawke's Bay Blueprint - Appendices for Central Hawke's Bay District Council', Urbanism Plus Ltd, July 2017

In April 2017, Council consulted with the local community on their long term goals for the District. The outcome of this process 'Project Thrive', has informed Councils strategic direction and investment since that time. The community during this process identified (among other things) the need to protect the District's historic heritage.

Council's 'Project Thrive' community engagement identified the following issues with respect to heritage protection in Central Hawke's Bay:

- Heritage New Zealand identified the need for increased protection of historic heritage across the District including the need to identify an approach to save heritage buildings threated by seismic strengthening requirements, and a request for stronger /amended policy direction and rule framework to address matters including new buildings and signage on sites/settings of a heritage item; clarity with respect to the recognition and protection of interiors of heritage buildings; activity standards for permitted activities and associated definitions; stronger protection (activity status) for demolition of listed heritage buildings.
 - Heritage NZ and Ongaonga Historical Society both expressed concern at duplication of (and confusion between) RMA and Heritage New Zealand Pouhere Taonga Act 2014 processes.
- Preserve earthquake prone buildings. Develop an Earthquake / Heritage Strategy. Consider measures to save threatened buildings. Dunedin was cited as a good example.

- Review the District Plan to increase protection of historic heritage, including sites of significance for Maori (submission from Heritage New Zealand Pouhere Taonga).
- Celebrate Heritage: Initiatives to celebrate and protect all heritage more (submission from Heritage New Zealand Pouhere Taonga).
- Feedback (from 1 participant) referred to heritage resources being underutilised due to a lack of regulatory protection in the District Plan.
- Feedback (from 1 participant) referred to review of the District Plan to protect historic heritage, including sites of significance for Maori.
- Feedback (from 8 participants) referred to history and heritage values.
- Feedback (from 1 participant) referred to heritage resources underutilised due to lack of nonregulatory protection – rates rebates, consent fee waiver, conservation fund to incentivize conservation.
- Feedback (from 1 participant) referred to implementing nonregulatory incentives to protect heritage.

3.1.4 Issues Raised in Staff Interviews (2017)

Feedback from staff about their experiences with the Operative District Plan during interviews for the Initial Scoping Report, raised the following relevant issues:

- ➤ Council officers have started an informal register of notable trees it is not in the District Plan and needs to be reviewed before it is included. Also, the current trees scheduled in the Operative District Plan (Appendix B (Heritage Items and Notable Trees)) need to be reviewed as many of these are not here anymore. Need to consider whether to add trees that are on private land and ascertain what criteria and values will be used to identify them, if Council wants to go down that track?
- ➤ Provided the rules are not prohibitive (i.e. can undertake everyday work), then Council staff are happy to list more identified trees on Council reserves.

3.2 Technical Information and Analysis

Central Hawke's Bay's historic heritage includes historic buildings, sites (including archaeological sites), places or areas of cultural significance to Māori, and trees with specific heritage value or association. These features contribute to a sense of place and District identity in many ways. For example, they:

- Tell the story of our past and contribute to an understanding and appreciation of the District's history and cultures;
- Provide a record of human activity maintaining a link with the District's history as it develops;
 and
- May signify or represent a particular historical event.

Key threats to historic heritage include land development and safety mitigation. Under the 2016 Building Act amendment, any buildings considered 'earthquake prone' (less than 34% of the new building standard), would need to be strengthened to meet new building standards within 25 years. These requirements are likely to result in additional cost implications and pressures for landowners of identified heritage buildings. Furthermore, the costs of building safety upgrades may not improve the economic return from a heritage building. The benefits of strengthening and preserving heritage buildings often accrue to the wider community, in both cultural and economic terms, rather than

directly to the owner. These issues bring forward decisions about the future viability of some heritage buildings, and in some cases, full or partial demolition may be the only feasible option for landowners.

Archaeological sites are historical sites that pre-date 1900. They include mainly sites from early Maori settlement such as midden, pits, horticultural sites, defensive pa sites and burial grounds as well as sites from early European settlement such as Homestead and early European accommodation sites and woolshed sites, old roads (Coach Road), bridges, drainage ditches and whaling stations etc. The most common type of archaeological site in Central Hawke's Bay is defensive pa and pits or terraces, the majority of which are located on private land in rural areas, and particularly along the coast.

Central Hawke's Bay has a number of commemorative trees that have been planted to mark specific events or as memorials, including street trees, trees within cemeteries, and trees on public reserves. There are likely many specimens on private property that also have historic heritage value. Currently only two groups of trees are listed in the Operative District Plan – being the trees located within Abbotsford Domain, Great North Road and Church Street, Waipawa, and an oak located at Church Street Cemetery, also in Waipawa. Of the group of trees listed on Abbotsford Domain a number of these are no longer there.

When considering the protection of historic heritage for present and future generations, Council recognizes that there is a need to balance individual property rights against Council responsibilities and community aspirations. The District Council has a responsibility to protect important historic heritage from inappropriate land use, development and subdivision which often involves rules which limit private property rights for the wider community benefit. Good practice in managing New Zealand's historic heritage occurs through an integrated approach including incentives, education, support, and regulation. For example, within the Central Hawke's Bay District context, the protection of historic heritage buildings involves identifying and categorizing items on the planning maps and promoting that information, working with the community to promote public awareness of heritage values, and encouraging maintenance, upkeep, and safety upgrades.

3.2.1 Review of Heritage Schedule and Information

Given the information provided in Appendix B Schedule of Heritage Items and Notable Trees is based on information supplied at the time of the adopting the Operative District Plan, Council engaged the services of Hawke's Bay Heritage Services³ to have the information relating to heritage items, and Superior Exterior Treecare Ltd⁴ to have the information relating to heritage trees, reviewed and updated.

This has resulted in two updated schedules. The first is a revised list of historic heritage items, with direct cross referencing to the New Zealand Heritage Pouhere Taonga Heritage List / Rārangi Kōrero⁵, and including the Heritage List number and category (refer HH-SCHED2 – Schedule of Historic Heritage Items). The second is a list of Notable Trees (refer TREE-SCHED4 – Schedule of Notable Trees). This list is, at this stage, limited to trees located on Council property.

HH-SCHED2 lists 71 Heritage Items, including 61 buildings and sites, and 10 wāhi tapu sites. Of these heritage items, the following 8 buildings / places, all of which are privately owned, are noted as being listed 'Category 1' items on the Heritage List / Rārangi Kōrero:

- Coles Joinery Factory (#172
- Aramoana Station Homestead

³ Principal Heritage Specialist, Elizabeth Pishief

⁴ Qualified Arborist, Jonathon Doyle

⁵ https://www.heritage.org.nz/the-list

- Gwavas Station Homestead and garden
- Porongahau Station Woolshed
- Mount Vernon Station Homestead
- Te Nakahi Parahi and Urupa;
- Oruawharo Homestead, associated buildings and site; and
- The Cottage and surrounds located at Te Aute.

The remaining buildings on this Schedule are 'Category 2' items on the Heritage List / Rārangi Kōrero.

Category 1 listing reflects the special or outstanding historical or cultural significance or value of a building and /or place. Category 2 listing reflects the historical or cultural significance or value of a building and/or place.

The wāhi tapu sites included on this Schedule are also all listed on the Heritage List / Rārangi Kōrero and the corresponding Heritage List reference is provided.

A review of trees on Council-owned land, by Superior Exterior Tree Care Ltd, assessed tree form, vigour and vitality, height, age, and crown spread, visibility, proximity, historical value, function, and rated occurrence. Of 201 trees assessed, 52 were identified as being 'notable' for among other reasons, their historical value. These trees (or groups of trees) have been identified and separately listed as TREE-SCHED4 and include species such as ulmus, quercus, eucalyptus, arbutus, cypresssus, sequoiadendron and tilia. Many of these trees are more than 60 years old and have a relative high degree of rarity.

3.2.2 Archaeological Information

Council also engaged the services of Hawke's Bay Heritage Services⁶ to review and update the Operative Plan Appendix 3, Schedule of Archaeological Sites, to reflect current data stored on the New Zealand Archaeological Association's ArchSite⁷. Ultimately it was decided that the Schedule, at this stage, would remain outside the Proposed District Plan, as the key method for protecting these sites is under the provisions of the Heritage New Zealand Pouhere Taonga Act (2014).

Mapping of archaeological sites identified on the ArchSite, as at the date of notification of the Proposed District Plan, will however be included on the District Plan Maps as a 'snap-shot' in time to alert landowners of the potential for archaeological discovery during development.

3.3 Consultation

3.3.1 Cultural Advisors Feedback

Council engaged a local team of cultural advisors (Rangitane Tipene, Elizabeth Pishief, and Patrick Parsons) to give initial feedback and advice relating to historic and cultural heritage for the District Plan Review. Key issues identified included:

- The need to update the Heritage Schedules in the District Plan.
- The need to be clear about the distinctive but overlapping roles of the Council and Heritage New Zealand, including cross referencing in the District Plan to the Heritage New Zealand Pouhere Taonga Act 2014.

⁶ Principal Heritage Specialist, Elizabeth Pishief

⁷ http://www.archsite.org.nz/

- Consideration of a 'heritage alert' overlay to sit alongside the District Plan that broadly identifies areas likely to contain archaeological and cultural material as a prompt of further investigation.
- The need to work with marae/hapu representatives along the District's coastal area to agree delineation of an inland 'line', with the area between the coast and inland line being part of the 'heritage alert layer', and also to review and update the existing sites in Appendix C and identify any further wāhi tapu/wāhi taonga that they may wish to include.

3.3.2 Landowner Consultation

Given all the items on the HH – Historic Heritage Schedule are already listed on the Heritage / Pouhere Taonga List, no additional specific landowner consultation regarding these sites was undertaken.

The trees that have been included on the Schedule of Notable Trees are all on Council-owned land, so specific landowner consultation regarding these trees was unnecessary.

3.3.3 Iwi Consultation and Advice

Iwi consultation has been ongoing throughout the development of the Proposed Plan and no specific issues have been raised with respect to items listed on HH-SCHED2 or TREE-SCHED4. Ten listings (HH-62 to HH-71) on this Schedule are identified as wāhi tapu. These listings are also on the Heritage List/Rarangi Kōrero and have also been through a separate process of identification and notification under the Heritage Pouhere Taonga Act (2014).

3.4 Draft District Plan Feedback

A Draft District Plan was publicly notified on the 3 June 2019 for community feedback.

Feedback on the heritage and notable trees provisions of the Draft Plan was received from Ongaonga Historical Society, Heritage NZ Pouhere Taonga (Heritage NZ), Fire & Emergency NZ, NZ Heavy Haulage Association (Heavy Haulage), Centralines, Powerco, and Spark et al, and a private individual.

Heritage NZ

Heritage NZ provided detailed feedback on the Draft Plan provisions relating to Heritage. They sought:

- a more detailed policy framework including the need for values to be integrated within policies;
- additional policy direction/ rules etc., for activities such as relocation and demolition of heritage buildings;
- performance standards for permitted activities;
- additional consideration of how the wider heritage setting of a heritage item is provided for (including matters such as impact of new buildings, signage etc.);
- how interiors of heritage buildings are to be recognised and protected; as well as
- inclusion of support for regulatory and nonregulatory incentives for heritage protection.

They also sought additional standards applying to permitted activities, and that the activity status for demolition of heritage items be upgraded to non-complying. Their submission aligns with the approach taken in the proposed New Plymouth and Porirua District Plans which they cited as representing current best practice.

The Proposed District Plan has gone someway to addressing the feedback from Heritage New Zealand and to providing a framework that meets the requirements for the protection of cultural heritage as required by the RMA. This includes providing a more robust policy and rule framework to protect

heritage items, including making demolition of Category 1 heritage items a non-complying activity and to enable safety alteration works on heritage buildings.

The policy and rule framework that is proposed is a significant change to the Operative District Plan and whilst perhaps not as restrictive as Heritage New Zealand have sought with respect to the wider environment of a heritage item and associated signage, the Proposed District Plan seeks to balance the requirements of private landowners (who have largely been good custodians of the listed heritage items to-date) with protecting historic heritage for the wider public benefit.

With respect to the schedule of historic heritage items it is noted that, at this stage, Central Hawke's Bay does not have its own inventory and relies heavily on the Heritage List. This is a matter that can be addressed in the future, as resources allow.

Ongaonga Historical Society

Ongaonga Historical Society submitted that the Draft District Plan provisions would place unnecessary and onerous restrictions/cost on the work that they do to protect heritage items within the township of Ongaonga, and identified concern at the lack of clarity as to when a resource consent will be required. They considered that the proposed provisions to protect heritage are unnecessary and will double up with Heritage New Zealand requirements, whom they have a close working relationship with.

Network Utilities Companies

These companies generally supported the Draft Plan provisions, subject to a number of minor clarifications with respect to providing for network utility operations, which were largely adopted.

NZ Heavy Haulage Association

The NZ Heavy Haulage Association sought discretionary activity status for the demolition, removal, or relocation of any identified heritage items. This approach has been adopted in the Proposed District Plan.

Private Individual

One submission provided feedback of a more general nature, seeking recognition of support for the District's heritage resource and in particular the revitalization of Waipawa, and requested that the District's heritage trees be protected in the District Plan.

The Proposed District Plan has included a significantly expanded list of heritage trees, and provisions for their protection. Although currently limited to trees on Council land only, it can be expanded in the future as resources allow.

3.5 Decision-Making

A series of presentations and discussion documents have been presented to the District Plan Sub-Committee on the content and focus of the district plan provisions relating to historic heritage, as follows:

Meeting	Document	Overview and Direction
29 August 2018	Powerpoint Presentation & Discussion Document	Presented amended draft objectives, policies, rules and other methods, and anticipated environmental results relating to historic heritage items and trees for the Committee's consideration.
		Presented revised list of heritage items and draft list of heritage/notable trees for the Committee's consideration.

26 September 2018	Presentation & Discussion Document	Presented draft objectives, policies, rules and other methods, and anticipated environmental results relating to wāhi tapu, wāhi taonga and sites of significance for the Committee's consideration.
9 April 2019	Draft District Plan	Recommendation to Council to adopt full Draft District Plan for public notification.
10 April 2019	Draft District Plan	Draft District Plan adopted by Council for public notification.
3 - 20 February 2020	District Plan Committee Hearing of informal submissions on the Draft District Plan	Hearing of submissions specifically relating to heritage (11 February 2020).
17 March 2020	Recommendation Report on informal submissions	Report presented to District Plan Committee addressing informal submissions relating to historic heritage, with recommendations for amendments.
15 December 2020	National Planning Standards version of District Plan	Presented draft Proposed District Plan in National Planning Standards format, including: - Part 2 District-Wide Matters, Historical and Cultural Values, HH – Historic Heritage, NT – Notable Trees, and SASM – Sites & Areas of Significance to Maori chapters
28 April 2020	Proposed District Plan	Proposed District Plan presented to District Plan Committee for final adoption by the Committee. Recommendation to Council to adopt Proposed District Plan for public notification.
27 May 2020	Proposed District Plan	Proposed District Plan adopted by Council for public notification.

3.5.1 Reference to Other Relevant Evaluations

This section 32 topic report should be read in conjunction with the following other evaluations:

• Tangata Whenua Section 32 Topic Report

3.6 Resource Management Issues

The table below details the key issues for historic heritage and notable trees:

Historic Heritage

Operative District Plan

ISSUE 3.2.2 – Protection of Heritage Resources

Heritage values need to be maintained or enhanced for future generations.

Explanation

The people of the District and the Council want to see historic and special places and buildings maintained or enhanced so that residents, visitors and future generations can enjoy them. Much of the District's heritage is in private ownership and therefore a balance is required between the desire of owners to alter their properties and community interest in retaining and preserving its heritage.

Comment

Issue 3.2.2 refers to the need to maintain or enhance heritage values for future generations, but it does not effectively articulate that the issue is the loss of heritage which necessitates the requirement for protection.

It therefore is not considered to meet the requirement of section 6(f) of the RMA which is 'to recognise and provide for the protection of historic heritage for inappropriate subdivision, use and development'.

Proposed District Plan

HH-I1 The loss of significant heritage items and values.

Explanation

The District's historic heritage is a non-renewable legacy: once destroyed it cannot be replaced. It is at risk from natural and human induced hazards and inappropriate development. Heritage resources that are identified and valued are much more likely to be protected and conserved. Historic places that are in use are more likely to be well maintained and the risks managed.

Notable Trees

Operative District Plan

ISSUE 3.2.2 – Protection of Heritage Resources

Heritage values need to be maintained or enhanced for future generations.

Explanation

The people of the District and the Council want to see historic and special places and buildings maintained or enhanced so that residents, visitors and future generations can enjoy them. Much of the District's heritage is in private ownership and therefore a balance is required between the desire of owners to alter their properties and community interest in retaining and preserving its heritage.

Comment

Issue 3.2.2 refers to the need to maintain or enhance heritage values for future generations, and whilst it does not specifically reference historic trees as part of this heritage resource, they are identified in the introduction as being a resource of heritage value:

Resources of heritage value contribute to the present and future environment in many ways

- ,
- In the case of trees, grandeur and visual amenity, contributing to community health and well-being'

Proposed District Plan

TREE-I1 The loss of notable trees with specific heritage value or association.

Explanation

Notable trees have specific heritage values and associations that form an important part of the community. Their continued existence represents continuity between generations including leaving a legacy for future generations. Significant heritage trees of the District are to be evaluated and identified as 'notable trees' for protection, to ensure that they are not damaged or lost (e.g. through improper maintenance or root disturbance).

Heritage resources that are identified and valued are much more likely to be protected and conserved.

Additional Comment:

Separating out Historic Heritage and Notable Trees is in line with the requirements of the National Planning Standards (Standard #7, clause 16), but the issue for both is the same, the loss of their physical presence and heritage associational value.

4 Evaluation of Proposed Objectives

Section 32(1)(a) requires an evaluation to examine the extent to which the objectives proposed are the most appropriate way to achieve the purpose of the RMA.

There are four objectives proposed for the District Plan relating to the District's historic heritage including notable trees, two objectives in the HH – Historic Heritage chapter, and one in the TREE – Notable Trees chapter and one in the SUB – Subdivision chapter.

The following evaluates the extent to which those proposed objectives are the most appropriate way to achieve the purpose of the RMA with respect to the sustainable management of the District's historic heritage, and the issues identified in the previous section.

Proposed Objectives

Historic Heritage

HH-O1 - Identify, preserve and enhance the District's significant heritage items, heritage character and history of the District.

HH-O2 Encourage the upgrade of heritage buildings where there is an identified safety risk.

Notable Trees

TREE-O1 Protect trees which make a significant contribution to the District's heritage.

Subdivision

SUB-O1 Subdivision of land that is consistent with the objective and polices of the relevant zones and district-wide matters in the District Plan, including those related to:

...

3. the protection of historic heritage from the adverse effects of inappropriate subdivision, including historic heritage items, sites and areas of significance to Māori, and statutory acknowledgement areas (HH – Historical Heritage and SASM – Sites and Areas of Significance to Māori provisions in the District Plan)

These objectives respond directly to the resource management issues of relevance to Historic Heritage and Notable Trees identified in the Proposed District Plan.

They recognise the values of the district's historic heritage, including notable trees, with specific heritage or cultural association and what is sought to be achieved in relation to these values.

Appropriateness (relevance, usefulness, achievability, reasonableness)

Historic Heritage

Proposed Objectives HH-O1 and HH-O2 respond to Issue HH-I1.

Objectives HH-O1 and HH-O2 apply district-wide across Central Hawke's Bay and respond to section 6(f) of the RMA in relation to recognising and protecting historic heritage throughout the District.

HH-O1 encourages the identification, preservation and enhancement of heritage buildings and items and recognises the contribution of the District's heritage resource to district character and identity. Identifying, preserving and enhancing these values is generally achievable and reasonable given that many of these sites are in private ownership and are already valued by their current owners for these reasons.

HH-O2 seeks to enable upgrade works to heritage buildings that for safety reasons may need significant or invasive works to ensure their safety and longevity. Encouraging the upgrade of heritage buildings where there is an identified safety risk is relevant to preserving the heritage character of Central Hawke's Bay identity and it is reasonable to enable works that will achieve this.

Notable Trees

Proposed Objective TREE-O1 responds to Issue TREE-I1.

This objective applies district wide across Central Hawke's Bay and responds to section 6(f) of the RMA in relation to recognising and protecting trees that have heritage value throughout the District.

TREE-O1 is appropriate given the important contribution that certain trees contribute to the District's heritage through their association with an historical event or their continued existence providing continuity between generations including leaving a legacy for future generations.

<u>Subdivision</u>

Proposed Objective SUB-O1 responds to Issue HH-I1 with respect to addressing the adverse effects of inappropriate subdivision through referencing the need to be consistent with the relevant district-wide objectives and policies for heritage items.

	Summary Given the above, the proposed objectives are deemed appropriate in terms of achieving the purpose of the RMA, in terms of the sustainable management of the District's historic heritage.	
Other Alternatives Considered	Maintaining the status quo – being retention of the following existing objective in the Operative District Plan: Part 3: District Wide Issues, Objectives and Policies Objective 3.2.2.1 The conservation and enhancement of the heritage values, including historic places and areas, waahi tapu sites and areas, archaeological sites and notable trees, in order to preserve the character and history of the District.	
Preferred Options and Reasons	The proposed objectives are the preferred option. These objectives more succinctly address the issue of the loss of the District's heritage and recognise the need to provide for safety works where they will retain a heritage item. Separate objectives are provided for heritage items and notable trees as required by the National Planning Standards. Therefore, this suite of objectives is deemed the most appropriate way to achieve sustainable management of the natural and physical resources (the purpose of the RMA) as it relates to historic heritage, and responds directly to matter of national importance (s6(f) of the RMA).	

5 Evaluation of Proposed Provisions (Policies & Methods)

Section 32(1)(b) requires an evaluation of whether the proposed provisions are the most appropriate way to achieve the objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must if practicable quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

5.1 Identification of Reasonably Practicable Options

The other options considered reasonably practicable for achieving Objectives HH-O1, HH-O2 and TREE-O1 of the Proposed District Plan are:

- Retaining the Status Quo rely on the policies and methods currently contained in the Operative District Plan.
- Stringent Regulatory Approach regulate all proposed works affecting heritage items and notable trees.
- Non-Regulatory Approach include policies around protecting heritage items and notable trees but rely only on non-regulatory methods (no rules or standards).

5.1.1 Evaluation of Option 1 – Status Quo

The status quo in the District Plan involves:

1. Retention of identified heritage items and notable trees scheduled in Appendix B - Schedule of Heritage Items and Notable Trees and shown on the Planning Maps.

- 2. Retention of identified archaeological sites scheduled in Appendix F Schedule of Archaeological Sites and shown on the Planning Maps, for information purposes only.
- 3. Retention of provisions requiring notification to interested parties of any proposed works to a heritage item listed in Appendix B.

As outlined in the summary of provisions above, the District's heritage resources are identified in the Operative District Plan as a district-wide activity, and the provisions applying to these are only in respect to requiring notification to certain parties depending on whether the works are 'minor works' (in which case Heritage New Zealand is required to be notified) or involve removal, demolition or destruction of a heritage item (in which case Council and other organisations deemed by the applicant to have an interest in the affected heritage item are required to be notified).

Whilst retaining the status quo would be efficient and economically beneficial in terms of administrative simplicity and minimal cost of regulation which largely falls on owners and developers of heritage items and trees, it could lead to wider environmental and cultural 'costs' through degradation or potential loss of historical and cultural heritage values that are held dear by the community.

This approach does not reflect the national importance assigned to the protection of heritage items by the RMA pursuant to section 6(f), the policy framework outlined in Policy 17 of the NZCPS in terms of those areas located within the coastal environment, nor does it align with Heritage New Zealand's approach advocated in their Sustainable Management of Historic Heritage Guide for District Plans (2 August 2007)⁸.

For the above reasons, this option is <u>not</u> considered the most appropriate way to achieve the proposed objectives.

5.1.2 Evaluation of Option 2 – Stringent Regulatory Approach

A stringent regulatory approach would involve:

- 1. Identifying and mapping the District's heritage items on the Planning Maps.
- 2. Identifying and mapping the District's notable trees (with heritage values) on the Planning Maps.
- 3. Identifying and mapping the District's archaeological sites on the Planning Maps.
- 4. A set of clear policies specifically applying to protection of heritage items, notable trees (with heritage value) and archaeological sites.
- 5. Rules requiring resource consent for any activity impacting on heritage items, notable trees (with heritage value) and archaeological sites with full discretion, enabling all activities to be assessed on a case-by-case basis.

A generic 'discretionary' activity status for all activities impacting heritage items (including the sites on which they are located), notable trees (with heritage value), and archaeological sites may be effective in achieving the proposed objectives and is easily understood, but is highly inefficient as it imposes significant costs (in time and money) on landowners associated with having to apply for resource consent (including potential costs of obtaining accompanying expert assessments) regardless of the scale or significance of potential effects of an activity on the environment.

This approach creates a high level of uncertainty and lack of flexibility for landowners and the community in terms of understanding what activities are likely to be acceptable or not. This could be particularly onerous for the carrying out of routine maintenance and internal alterations and upgrades

⁸file:///C:/Users/Stella/AppData/Local/Temp/Sustainable%20Management%20of%20HH%20Guide%20No3%20d istrict%20plans.pdf

necessary to maintain practical and functional use of a heritage building, as many of the District's heritage items are in private ownership and the list includes a number of private homes.

A strict regulatory approach would impose significant burden on these landowners who, for the greater part have invested in and value their homes for their heritage values. It also imposes significant demand on scarce Council staff resources to process a higher volume of applications, which may not be practical or feasible for a small local authority such as Central Hawke's Bay District Council.

In addition, the Heritage New Zealand Pouhere Taonga Act (2014) has specific provisions for the protection of places and areas of historical and cultural value as set out in section 2.4.2 above. Notably, although this Act provides for the listing of heritage items, it does not otherwise provide any mechanisms for their protection and this is a matter for consideration in a District Plan, however with respect to archaeological sites it is an offence under this Act to modify or destroy the whole or any part of any archaeological site (whether recorded or not) without an approved authority from Heritage New Zealand Pouhere Taonga. Adding a further layer of regulation in the District Plan relating to archaeological sites would introduce unnecessary duplication, with corresponding unwarranted additional economic costs.

For the above reasons, whilst this option is likely very effective and simple to apply, it is not efficient and imposes significant social and economic costs (both in time and monetary costs) on owners of heritage items, regardless of the scale and significance of adverse effects on the environment. This is likely to be unacceptable to the community, as well as politically unacceptable.

Therefore, this option is <u>not</u> considered the most appropriate way to achieve the proposed objectives.

5.1.3 Evaluation of Option 3 – Non-Regulatory Approach

The non-regulatory approach involves:

- 1. Identifying and mapping the District's heritage items on the Planning Maps.
- 2. Identifying and mapping the District's notable trees (with heritage values) on the Planning Maps.
- 3. Identifying and mapping the District's archaeological sites on the Planning Maps.
- 4. Specific assessment matters addressing works affecting heritage items, notable trees (with heritage value), and archaeological sites if resource consent is triggered, and otherwise reliance on non-regulatory methods such as information sharing, advocacy, design guides etc, promoting consideration of historical and cultural heritage values.

Reliance on non-regulatory methods alone, to achieve the objectives for the District's historical and cultural heritage values as reflected in the schedules of identified heritage items (HH-SCHED2) and notable trees (with heritage values) (TREE- SCHED4) would reduce compliance costs associated with development of these items, but imposes additional economic costs on Council staff and resources. There are considerable costs to engaging meaningfully with the community and finding ways to effectively promote the protection of heritage values, and the preparation of best practice design guides etc.

Given the status of historical and cultural heritage in the RMA, and best practice developments in addressing such values since the current District Plan was made operative, a non-regulatory approach is unlikely to be sufficiently effective in terms of meeting current expectations around best practice and in terms of achieving the proposed objectives adopted in the Proposed District Plan.

5.1.4 Summary

The evaluation above concludes that the current approach in the Operative District Plan is not compliant with the RMA, and is not effective in achieving the proposed objectives in the Proposed District Plan around historic heritage and notable trees. Similarly, a non-regulatory approach that only

addresses historical and cultural values through information sharing and advocacy, is also not likely to be sufficiently effective in achieving the proposed objectives. Both these options could lead to loss or degradation of historical and cultural heritage values within the District.

A stringent regulatory approach that requires resource consent for any activity that impacts on heritage items, notable trees (with heritage value) or archaeological sites, whilst somewhat effective, imposes significant economic costs and uncertainty on landowners and plan users as well as pressure on Council staff resources. It also applies the same level of regulation regardless of scale and significance of potential effects on the environment. Such a stringent regulatory approach is likely unacceptable, both to the community and politically.

The preferred approach is one that balances regulation with advocacy, in a way that achieves the objectives of the Proposed District Plan, without imposing unnecessary red tape, or duplication of processes, for activities that are already in most cases being managed effectively, or where the scale and significance of effects are likely to be low.

5.2 Evaluation of Proposed Policies and Methods

Building on the approach to evaluation in Section 3 of this report, including background research, analysis and technical assessments, and iterative process including public feedback on informal submissions to the Draft District Plan, this section of the report provides a summary evaluation of the provisions in terms of assessing their efficiency and effectiveness in achieving the objectives.

In undertaking this assessment, the emphasis is on the issue(s), and the policies and methods proposed to achieve the objective(s) surrounding the issue.

As per section 32(1)(c), the evaluation below contains a level of detail that corresponds to the scale and significance of the effects that are anticipated from the implementation of the provisions.

Historic Heritage

Issue(s)		HH-I1 The loss of significant heritage items and values. Explanation The District's historic heritage is a non-renewable legacy: once destroyed it cannot be replaced. It is at risk from natural and human induced hazards and inappropriate development. Heritage resources that are identified and valued are much more likely to be protected and conserved. Historic places that are in use are more likely to be well maintained and the risks managed.	
Associated Objective(s)		HH-O1, HH-O2, SUB-O1	
Proposed Suite of Provisions		Effectiveness and Efficiency	
		Benefits	Costs
Policies: Historic Heritage		Environmental:	Environmental:
HH-P1 HH-P2 HH-P3 HH-P4	To identify and classify heritage items in the District according to their relative significance and value including aesthetic, archaeological, architectural, cultural, historic, social, spiritual, technological, industrial or traditional significance or value. To identify archaeological sites to assist the continued protection of these sites. To ensure activities do not adversely affect the character and values of heritage items.	Historic heritage contributes to the quality of the District's environment. These provisions provide appropriate controls over potentially inappropriate activities to ensure that historic heritage values of the District are recognised, protected and maintained including: • Potentially inappropriate activities will be managed through the resource consent process to ensure environmental effects are avoided, remedied or mitigated.	No obvious environmental costs associated with the proposed provisions.

- HH-P5 To enable heritage items to be used for a variety of activities where this promotes their preservation.
- HH-P6 To encourage the restoration and conservation of recognised heritage items.
- HH-P7 To facilitate and encourage alteration to heritage items to improve structural performance, fire safety and physical access while minimising any potential loss of associated heritage values.
- HH-P8 To discourage the demolition of historic items taking into account the importance of their historical or cultural significance or value.

Subdivision

SUB-P2 To provide for subdivision of land to create in-situ Lifestyle Sites in conjunction with the legal and physical protection in perpetuity of areas of significant indigenous vegetation and/or significant habitats of indigenous fauna (including Significant Natural Areas identified in ECO-SCHED5), sites and areas of significance to Māori (identified in SASM-SCHED3), and historic heritage items (identified in HH-SCHED2).

Methods for Implementing the policies

HH-M1 Identification and Mapping of Historic Heritage Items

Identifying and categorising heritage items in HH-SCHED2 in the District Plan and showing them on the relevant Planning Maps, and showing archaeological sites recorded by the New Zealand Archaeological Association on the relevant Planning Maps (for information purposes only).

HH-M2 Education, Advocacy and Information Sharing

Working with Heritage New Zealand Pouhere Taonga, local historical societies and tangata whenua to promote public awareness of the importance of heritage values. Supporting applications to the National Heritage Preservation Incentive Fund for the conservation of significant heritage places in private ownership (Note this fund is only available to Category 1 historic places).

Providing public education and information about heritage items in the District.

HH-M3 Incentives

All resource consent applications relating solely to safety alterations for heritage items will be processed free of charge to encourage the preservation of heritage items in the District.

District Plan Rules:

- District Plan rule providing for repairs and maintenance of heritage items identified in HH-SHCED2 as permitted where proposed works meet the definition of 'repairs and maintenance (of a heritage item)' as set out in the Interpretation section of the Proposed District Plan. Rule HH-R1
- District Plan rules providing for new underground electricity, gas or telecommunication connections or replacement of existing overhead

- Provisions allow for low level repairs and maintenance, electricity, gas or telecommunication connections as permitted activities.
- Earthquake risk mitigation activities are specifically provided for, to enable heritage buildings to continue to be used.

Economic:

The proposed provisions provide a robust framework for protecting the District's historic heritage values which has indirect economic benefits for the District's economy, through tourism and business opportunities and choice.

Where heritage items are maintained and enhanced there is potential to increase the value of that item.

Economic:

There will be regulatory consenting costs (that don't apply under the Operative District Plan) where applicants want to undertake an activity that do not comply with the permitted activity rules. This may include the cost of procuring expert heritage advice and potential costs associated with development of Conservation Plans, as well as the cost of consent processing. Although, the Plan seeks to balance this through waiving of processing costs for resource consent applications relating solely to safety alterations for heritage items (Method HH-M3)

The regulatory framework imposes costs on the landowner to retain the values of heritage buildings e.g potentially higher maintenance and development costs.

The proposed rules may constrain the use of the building.

Social:

The District's historic heritage is identified, protected and maintained for present and future generations, adding to community identity and

Social:

No obvious social costs associated with the proposed provisions.

electricity or telecommunication customer connections, affecting heritage items identified in HH-SCHED2 as permitted. *Rule HH-R2*

- District Plan rules providing for internal safety alterations to heritage items identified in HH-SCHED2 as permitted for Category 2 items and as restricted discretionary for Category 1 items; and for external safety alterations as a controlled activity for Category 2 items and restricted discretionary for Category 1 items.
 Rules HH-R3 and HH-R4
- 4. District Plan rules providing for internal alterations to heritage items identified in HH-SCHED2 as permitted for Category 2 items and as discretionary for Category 1 items; and for external safety alterations as restricted discretionary for Category 2 items and discretionary for Category 1 items.
 Rules HH-R5 and HH-R6
- Rules providing for relocation of any building identified in HH-SCHED2 as a discretionary activity.
 Rule HH-R7
- Rules providing for demolition Including partial demolition of heritage items identified in HH-SCHED2 as a discretionary activity for Category 2 items and as a non-complying activity for Category 1 items. Rule HH-R8
- Rules SUB-R1, SUB-R4, SUB-R5 & SUB-R7 make subdivision a 'discretionary activity' if is contains part or all of a heritage item in HH-SCHED2.

enhancing the amenity of the district for residents and visitors.

Heritage items can become focal points in communities, celebrating the District history.

Cultural:

Communities have an enhanced connection to cultural heritage through the protection of heritage items. Similarly, the Heritage Schedule (HH-SCHED2) identifies a number wāhi tapu sites from the Heritage New Zealand List/Rārangi Korero and recognises their cultural heritage values.

Cultural:

No obvious cultural costs associated with the proposed provisions.

Opportunities for economic growth and employment

There could be potential economic growth and employment opportunities through heritage promotion and tourism related ventures.

Summary of efficiency and effectiveness of the provisions in achieving the objectives

The proposed provisions are considered efficient and effective in addressing the issue identified and generally provide an effective way to achieve Objectives HH-01, HH-O2 and SUB-01, and the benefits of providing protections for heritage items outweighs the costs. The primary benefits of the methods are that they protect the important values of heritage items and sites, while still providing for their ongoing everyday use.

Notable Trees

Issue(s)		TREE-I1 The loss of notable trees with specific heritage value or association. Explanation Notable trees have specific heritage values and associations that form an important part of the community. Their continued existence represents continuity between generations including leaving a legacy for future generations. Significant heritage trees of the District are to be evaluated and identified as 'notable trees' for protection, to ensure that they are not damaged or lost (e.g. through improper maintenance or root disturbance). Where notable trees are identified on private land, the property owner's consent will be required to include these on the schedule and Planning Maps. Heritage resources that are identified and valued are much more likely to be protected and conserved.		
				Associate
Proposed Suite of Provisions		Effectiveness and Efficiency		
		Benefits	Costs	
Policies:		Environmental:	Environmental:	
tl TREE-P2 A w B TREE-P3 S tl	to identify and classify heritage trees that make a significant contribution to the District's amenity and/or heritage. Avoid or appropriately mitigate any adverse effects on notable trees that would detract from or compromise their contribution to Central Hawke's lay's amenity and heritage values. Appropriately maintenance and enhancement of notable trees for heir ongoing vitality and contribution to amenity and the quality of the invironment.	Heritage trees contribute to a quality amenity environment. These provisions provide appropriate control over potentially inappropriate activities to ensure that the value associated with heritage trees are recognised, protected and maintained.	No obvious environmental costs associated with the proposed provisions.	
	 District Plan rules providing for trimming of notable trees identified in TREE- SCHED4 as permitted, subject to conditions. <i>Rules TREE-R1 & TREE-R2</i> District Plan rule providing for the treatment and/or removal of any dead, damaged or diseased branch or tree identified as a notable tree in TREE-SCHED4 as permitted, subject to conditions. <i>Rule TREE-R3</i> 	Economic:	Economic:	
2		No obvious economic benefits associated with the proposed provisions.	Minimal given the sched only applies to trees on public reserves and roads.	
		Social:	Social:	
.	 District Plan rule providing for sealing, paving, soil compaction, or any alteration to the existing ground level within the dripline of any notable tree identified in TREE-SCHED4 as permitted, subject to conditions. 	The best examples of the District's notable trees (heritage) on public land owned by Council are identified, protected and maintained for present	No obvious social benefits associated with the proposed provisions.	

Rule TREE-R4

- 4. District Plan rule providing for the fixing of any structure or object to any part of the tree or any operation which will wound the bark tissue of any part of any tree identified in TREE-SCHED4 as restricted discretionary. Rule TREE-R5
- District Plan rule providing for the construction of, or addition to, any building associated with any activity or network utility, or laying of overhead or underground services within the dripline of any tree identified as a notable tree in TREE-SCHED4 as restricted discretionary. Rule TREE-R6
- District Plan rule providing for any depositing of chemicals or other substances harmful to the tree, within the dripline of any notable tree identified in TREE-SCHED4 as restricted discretionary. Rule TREE-R7
- District Plan rule providing for the removal of any notable tree identified in TREE-SCHED4 as restricted discretionary. Rule TREE-R8

and future generations, adding to community identity and enhancing the amenity and character of the District for residents and visitors.

Cultural:

Some of the identified notable trees have cultural heritage values associated with them e.g, the avenue of street trees located on Henderson Street, Ōtane planted in 1923 in memory of soldiers who fought in World War 1, and identification and protection of these has cultural benefits.

Cultural:

No obvious cultural costs associated with the proposed provisions.

Opportunities for economic growth and employment

No known opportunities for economic growth and employment identified.

Summary of efficiency and effectiveness of the provisions in achieving the objectives

The proposed provisions are considered effective and efficient in achieving the objective as they directly address the identified resource management issue and outcomes sought by Objective TREE-O1. The primary benefits of the methods are that they protect the important values of heritage trees, while still providing for their regular maintenance and upkeep.

5.3 Adequacy of Information and Risks of Acting or Not Acting

Section 32(2)(c) states that an evaluation report must assess the risk of acting of not acting if there is uncertain or insufficient information about the subject matter of the provisions.

For matters relating to the Historical Heritage and Notable Trees provisions of the Proposed District Plan it is considered that Council has sufficient information to determine the provisions for the following reasons:

- Items identified in HH-SCHED2 are based on the current information of recorded sites on the New Zealand Heritage List/Rārangi Kōrero. Trees identified in TREE-SCHED4 are based on an assessment of trees on Council owned land undertaken by Superior Exterior Tree Care Ltd.
- The Historic Heritage provisions are generally consistent with the Heritage New Zealand / Pouhere Taonga's 'Sustainable Management of Historical Heritage Guide No.3 for District Plans'.
- Enabling provisions for heritage buildings that require earthquake strengthening.
- These proposed provisions have been consulted on with the general public and key stakeholders and the proposed approach is generally supported by the community.

Therefore, there is no assessment of risk associated with acting or not acting in respect of these other associated provisions in the Proposed District Plan.

5.4 Quantification

Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.

Exact quantification of the costs and benefits was not considered practicable, given the application of the provisions across the District and the differing circumstances that will apply through the life of the Plan. Any attempt at quantifying the costs and benefits would therefore be speculative and would not provide any real assistance in assessing the proposed provisions.

6 Summary and Conclusion

This evaluation has been undertaken in accordance with Section 32 of the RMA to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The proposed objectives address the identified resource management and respond to higher order statutory documents (including the New Zealand Coastal Policy Statement (2010), Hawke's Bay RPS/RRMP (2006) and Hawke's Bay Regional Coastal Environment Plan (2014)).
- The proposed policies and methods provide direction and certainty to plan users on the type and scale of activities that can occur as Permitted Activities, and outcomes expected for activities that may impact on heritage items or notable trees and the management of adverse effects. The clear decision making framework will lead to consistent outcomes and protection for heritage items and notable trees.
- Activities requiring resource consent are limited to those that have potential for adverse effects on the heritage items and notable trees, which enables a case-by-case assessment.
- The proposed provisions have been through a Draft Plan process with subsequent amendments as a result of submissions.

Overall, it is considered that the proposed provisions are appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting them. The risks of acting are also clearly identifiable and limited in their extent.

REFERENCES

'Notable Tree Assessment – Central Hawke's Bay District Council', Superior Exterior Treecare Ltd (29 September 2018)