



DECISION OF THE MACKENZIE DISTRICT COUNCIL

DISTRICT PLAN CHANGE 12 – HERITAGE PROTECTION

INTRODUCTION

1. Plan Change 12 was introduced to clarify matters relating to the criteria for consideration of potential heritage items, add new items for protection under the District Plan and correct some details relating to items already protected. In particular the Plan Change:
 - Amends the Heritage Items Schedule by adding 14 new heritage items to this schedule;
 - Amends the details contained with the Heritage Items Schedule of 13 already listed heritage items;
 - Amends Planning Maps 30, 31, 35, 46, and 49 (text and map) and 41 (text only) to show the new heritage items on these maps and to amend the text of the maps to incorporate the changes made to the details of the already listed heritage items;
 - Amends the Explanation and Reasons associated with Objective 1 and Policy 1A to include criteria to evaluate whether an item is worthy of being included in the Heritage Items Schedule and the level of protection to be awarded to the item.

THE HEARING

2. The hearing was convened on 26 June 2007 in the Council Chambers at Fairlie.
3. The Planning Committee heard from the following people during the course of the hearing:

Submitters

Joanne Easterbrook (Price), N.Z. Historic Places Trust

Jane Batchelor, a submitter provided the Committee with an email outlining her response to the officer report and matters she wished the Committee to consider in making this decision and in reviewing the heritage items and the District Plan.

Council

Patricia Harte, Planning Consultant, Davie Lovell-Smith Ltd

4. Jeremy Sutherland, a submitter and representative of the Council with the local Historic Places Trust, was present to answer questions.
5. Ms Easterbrook provided comprehensive written evidence to the Committee. In answering questions she expanded on the reasons why the Council's proposal that the

items to be included in the heritage schedule (Category Z) was unacceptable due to the insufficient level of protection accorded to Category Z items in the Plan, and noted the support in her submission for a comprehensive overview of historic heritage in the District to be undertaken. She explained that a change in Part II of the Resource Management Act 1991 about 4 or 5 years moving protection of historic heritage from a section 7 matter to a matter of national importance was the basis for NZHPT now advocating more sites to be included in plans and stronger protection for those sites.

6. Ms Easterbrook said that although the NZHPT was an advocate for heritage protection there was no obligation for anyone to register sites and people should seek advice from the Trust about matters such as finding out whether an archaeological authority is required or whether funding is available to assist with restoration.
7. Jeremy Sutherland said that he considered his role as the Council's representative on the local NZHPT mainly as a scout for heritage sites. He considered most owners were happy to protect heritage sites and understood their responsibilities. He referred to the 1978 railway house in the Albury village and explained that because of its unique standing as the last of its type remaining in the country, he was hopeful it could one day be accorded protection under the District Plan. In the mean time the owners were ensuring it was well maintained.
8. In response to the Committees question as to whether she wished to change any aspect of her recommendations Patricia Harte said her recommendation was to maintain the status quo not withstanding the NZHPT submission. She said that although Category Z items had virtually no protection under the Plan and could be demolished as of right, the required three-month delay in gaining consent to demolish sites did enable efforts, such as fundraising, to be made to retain them and to ensure that a photographic record was made.

DISCUSSION AND DECISIONS

9. **Jeremy Thomas Gray Sutherland** (Submitter 3)

Request

I agree that RMA should be in place for demolition, but not for alteration. That the RMA be removed from the Plan in regard to alterations of sites/buildings and be replaced by consultation involving MDC and NZHPT.

Discussion

This submission sought removal of the Resource Management Act 1991 from the District Plan. The Committee considered that as RMA is the statute authorising district plans to be prepared and to protect historic heritage it is not part of the District Plan and cannot therefore be removed from it.

Decision

Decline the submission of Jeremy Thomas Gray Sutherland.

10. **New Zealand Historic Places Trust** (Submitter 4)
The Burkes Pass Heritage Trust (Further Submitter 1)
Jane and Graham Batchelor (Further Submitter 2)
Jeremy Thomas Gray Sutherland (Further Submitter 3)

Request A

That the following items are amended to identify the archaeological significance that they have in relation to the Historic Places Act:

- Gothic Style Cemetery Post
- Glendonald Sod Hut
- Former Railway Hotel (Albury Tavern)
- Burkes Pass Hotel Stables
- Burkes Pass School
- Brackens Barn
- Annis Cob Cottage
- Albury Park Lime Works

11. Discussion

The Committee consider that the submitter has raised a valid point that both the new heritage items and some existing heritage items within the Heritage Items Schedule of the District Plan may be archaeological sites in terms of the Historic Places Act 1993. Under that Act archaeological sites are sites “*associated with human activity that occurred before 1900; or... may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand*”. If a person wants to destroy, damage or modify an archaeological site, an archaeological authority must be gained from New Zealand Historic Places Trust pursuant to the Historic Places Act 1993. This authority must be gained whether or not the site is contained with the District Plan. The Committee consider it is appropriate to use the District Plan to inform people of this obligation by means of a Note in the District Plan at the foot of the relevant rules.

Currently some of the heritage assessments for the new items proposed for inclusion have an X in the assessment box for archaeological significance. To avoid the implication that these items in the District Plan have no archaeological significance under the Historic Places Act the Committee accept that it is appropriate to amend the heritage assessments by placing a tick in the box marked archaeological significance.

12. Decision on Request A

- (a) Accept the submission and amend the Plan Change so that a note is included within the Plan at the end of the Historic Heritage Schedule which reads as follows:
NOTE: An archaeological authority may be required from the New Zealand Historic Places Trust, pursuant to the Historic Places Act 1993 where an activity may result in destroying, damaging or modifying any archaeological site whether or not the site is listed in the Heritage Items Schedule of this Plan. An archaeological site is defined as any site “associated with human activity that occurred before 1900; or... may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand”.
- (b) Accept the submission and amend the files associated with the following heritage items by ticking the archaeological significance criteria box.

- Gothic Style Cemetery Post
- Glendonald Sod Hut
- Former Railway Hotel (Albury Tavern)
- Burkes Pass Hotel Stables
- Burkes Pass School
- Brackens Barn
- Annis Cob Cottage
- Albury Park Lime Works

13. Request B

That all the items proposed for listing in the District Plan be assigned to Category Y to ensure that the protection afforded them is consistent with the purposes of the Resource Management Act 1991.

14. Discussion

The Committee understands the concerns of the submitter in relation to the Category Z rating regarding the adequacy of the Category Z rating to provide sufficient protection for items as required under section 6(f) of the Resource Management Act 1991. There is however a requirement for Category Z items that written notice must be given to the Council of the proposed demolition followed by a three-month period during which time photos etc of the item are to be supplied to the Council and the Council may negotiate with the owner and other parties to achieve preservation of the building. If a category Z item is to be altered then a Controlled activity consent is required, giving Council the opportunity to place appropriate conditions on that alteration to ensure the heritage values are retained as far as possible.

Ensuring that a robust methodology is in place to enable the transparent evaluation of potential heritage items is important and the Committee noted that the submitter supported the inclusion of the new descriptive criteria for the listing of heritage items. The Committee also noted that this criteria was used to evaluate whether the new items should be included within the Plan, along with their classification. This evaluation was undertaken with assistance from two of the submitters (Jane Batchelor and Jeremy Sutherland) who in their submissions support the Plan Change. However, in further submissions both of these submitters support the submission of the New Zealand Historic Places Trust, and request that the items be upgraded from Category Z to Category Y.

The Committee noted that the classification of the new items is consistent with the classification of similar heritage items already contained within the Plan. For example the Pukaki Inn Chimney, the Te Ngawai War Memorial and the Catholic Church in Albury are all currently classified as Category Z.

They also noted that if the classification of the heritage items were to change without consultation with the owners of the items this could be viewed as a breach in natural justice. While it is not compulsory for the owners of such items to agree to have their property listed, the Committee considered it good practice to do so as the classification of their property does place certain restrictions on how it can be used. None of the owners of the new items have submitted and as such the Committee can only assume that the owners of these items are happy for those items to be included within the Heritage Schedule of the District Plan on the basis that they would be classified as Category Z.

The Committee considered that revising the level of protection for the new items to be included in the Heritage Schedule should be undertaken as part of a review of all items in the Schedule to ensure the evaluation is undertaken on a consistent basis.

15. Decision on Request B

Decline this submission.

16. Request C

That **all** presently known flaws in the District Plan's listings be addressed as part of this proposed plan amendment, to avoid future difficulties and to ensure the most effective outcome is achieved as a consequence of this change.

17. Discussion

This submission highlights that there are some flaws with the heritage items listed in the Plan. In particular there is a lack of clarity associated with some existing items especially where a group of buildings have been identified. Currently the Plan does not specify which items are the heritage items and are worthy of protection. The submitter uses the Haldon Station Buildings as an example.

The Committee acknowledges that undertaking this plan change has highlighted that there may be problems with the listing details of some heritage items. Given this the Committee consider that a review of these items should occur as part of a comprehensive review of the Heritage Schedule. The priority given to such a review will be determined as part of the triennial LTCCP review.

18. Decision on Request C

Decline this submission but advise that the Council will consider a comprehensive review of the heritage schedule when deciding on priorities for future plan changes.

19. Request D

That a commitment is given to setting aside funding to initiate a more comprehensive overview approach to the identification of historic heritage in the district.

20. Discussion

This submission requests that funding be set aside for a comprehensive overview and identification of historic heritage within the District. The proposed Plan Change sets out criteria by which an item can be evaluated in terms of its heritage value. Now that these criteria are in place the Committee consider there is an opportunity to undertake a comprehensive review of the items already contained within the Heritage Items Schedule and others not yet considered. The Committee consider this to be worthwhile but acknowledge that the criteria in themselves do not detail how the comparative significance of items is best assessed.

21. Decision on Request D

Decline this submission but advise that the Council will consider a comprehensive review of the heritage schedule when deciding on priorities for future plan changes.

22. Request E

The proposed minor alterations for the purposes of clear identification be supported.

23. Decision on Request E

Accept this submission.

24. Request F

That the introduction of descriptive criteria for listing be supported.

25. Decision on Request F

Accept this submission.

26. Submissions in Support

The following submissions in support were made. On the basis of the above decisions on Plan Change 12 the following decision is made on the submissions in support of the Plan Change:

The Burkes Pass Heritage Trust (Submitter 1) – grant in part

Jane & Graham Batchelor (Submitter 2) – grant in part

Dated: 18 July 2007