



YOUR PLAN OUR FUTURE
TIMARU DISTRICT PLAN REVIEW
LAND USE PLAN

Timaru District Plan Review

Topic 6

Heritage Values

Discussion Document, November 2016



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1.0 Introduction

1.1 Purpose

Timaru District Council has commissioned this report to identify the 'issues' with how the Timaru District Plan 2005 manages heritage values. The report subsequently identifies the potential 'options' to address these issues and the strengths and weaknesses of each option.

The report is intended to inform and provide a basis for public consultation on this matter and to some degree stimulate debate. The report forms part of a suite of public consultation measures that may be used to inform a potential change to the District Plan.

1.2 Report Format

The remainder of the report has been set out as follows:

- Section 2** identifies and describes the issue.
- Section 3** summarises the relevant statutory matters.
- Section 4** briefly explains the current Timaru District Plan approach to heritage values.
- Section 5** discusses some potential options to deal with heritage values.

This document outlines the issues our district faces in relation to our heritage values.

We welcome your feedback on this topic.

Tracy Tierney
Timaru Ward Councillor

2.0 Issue Identification

Issue 1

Is the current District Plan list of heritage items robust, i.e. does it contain all items deserving of some form of protection?

The current list of heritage items (including buildings, bridges, utilities, and memorials) in the District Plan is based on work done for the previous district plan and from suggestions from heritage groups and the public. The list however does not include all the heritage items in Heritage New Zealand's Category 1 and 2 lists that are within the Timaru District. It also does not include quite a number of items identified in the Timaru District Built Heritage Inventory – From Mesopotamia to Pareora River prepared by Opus Consultants in 2004. This inventory is based on a thorough assessment of the district's heritage resources and draws on a wide variety of resources, both written and oral. There may be other items that are also worthy of inclusion.

Issue 2

Should the District Plan control works within or near archaeological sites?

Archaeological sites are defined in the Heritage New Zealand Pouhere Taonga Act 2014 as a site, structure or building that is associated with human activity that occurred prior to 1900. These sites can vary from the land under an old house to disturbance of rock art. Control of these sites falls with Heritage New Zealand under their Act, with disturbance of these sites requiring an archaeological authority (a type of consent) from Heritage New Zealand. An issue has been raised regarding the lack of direct control within the District Plan of activities that could result in an archaeological site being disturbed or destroyed. This can result in the loss of the opportunity to prevent its disturbance and the ability to investigate the site and record and retrieve historical items for future generations.

Issue 3

How can heritage protection be enabled while acknowledging the economic cost of protection?

A key dilemma with heritage is that the cost of retaining or maintaining a building can be substantial. This cost is often greater for heritage buildings due to the need to upgrade a building to meet earthquake strengthening standards and because the work required is often more specialised. To what extent should the economic cost of protection be taken into account when demolition or major renovation of heritage buildings is proposed?

Issue 4

Should protection of heritage items and buildings be extended to identify the setting within which they sit?

The immediate setting of heritage buildings and items is often a significant factor in their heritage value. The current District Plan, however only protects heritage buildings and items and not their settings. One of the main activities which diminishes the value or significance of a heritage building is subdivision of the site, thereby reducing the area of land that it sits within. Erecting additional buildings can have the same effect of reducing the size and character of the setting of the item. To what extent should the setting of a heritage item be included in its listing, and what would be the implications of this inclusion on the Council and the landowner?

3.0 Statutory Matters

Section 6 of the Resource Management Act 1991 sets out matters of national importance that must be recognised and provided for in preparing and administering district plans. These matters include “the protection of historic heritage from inappropriate subdivision, use and development” (refer section 6(f)). The reference to inappropriate subdivision, use and development indicates that absolute protection of heritage items is not required in all situations. Rather there will be situations where use or development may be appropriate. This should be assessed on a case by case process by reference to what is sought to be protected.

The District Plan Review must give effect to the Canterbury Regional Policy Statement 2013. The policy statement provides the criteria to be used in deciding on the significance of the heritage resource and requires recognition and protection of what is significant or important within communities. In particular, it states that local authorities should work with takata whenua to determine where wahi tapu and wahi taonga may be affected by activities. The policy statement provides guiding matters for identifying historical cultural and heritage landscapes¹ and recognises that repairing and strengthening of heritage buildings is appropriate to enable social, economic and cultural wellbeing of people.

Under the Heritage New Zealand Pouhere Taonga Act 2014, Heritage New Zealand has been given the responsibility to foster public interest in heritage matters and advocate for the conservation and protection of heritage. Heritage New Zealand are also required to have a list of heritage items and areas which are either of outstanding or significant heritage value. Heritage New Zealand does not have a direct responsibility in relation to protection of heritage under the Resource Management Act, however it is required to make recommendations to local authorities as to the means to assist conservation and protection of historic areas. They must also supply their heritage lists to local authorities. One of the most important functions of Heritage New Zealand is to receive and consider applications for archaeological authorities where there is a proposal to modify or destroy any archaeological site. That is a site, structure or building that is associated with human activity that occurred prior to 1900.

4.0 Timaru District Plan

The approach of the current District Plan is similar to many plans with objectives and policies seeking to identify and protect items of heritage importance and to promote public awareness of heritage. The District Plan contains a list of heritage items all of which are notated on the planning maps. The 11 items with higher heritage values are classified as Category A and the remaining 52 items are classified as Category B. The District Plan contains criteria for scheduling of heritage items but these criteria do not specify what the basis is for distinguishing between Category A and B items. Assessment matters are listed in policies to assist decision makers in assessing proposals to modify, demolish or remove listed heritage items.

Various methods to achieve the objectives are listed in the District Plan including:

- Maintaining a schedule of sites of heritage importance.
- Enhancing the existing character of selected commercial areas through revitalisation.
- Identifying archaeological sites to ensure protection is drawn to the protection of these sites under the Heritage New Zealand Pouhere Taonga Act.
- Providing information for the public and landowners to increase the awareness of heritage values.
- Enabling a wide range of uses in heritage buildings.
- Providing guidelines to encourage sympathetic redevelopment of historic places.

The District Plan distinguishes between Category A and B items through the level of control. While reconstruction and repair are provided for as permitted activities for both Category A and B items, with modification and alterations being a discretionary activity, removal or demolition of Category A items is non-complying but only discretionary for Category B items.

Encouragement to maintain heritage items, even if resource consent is required, is by allocation of funds from a Council heritage fund and by waiving of consent fees.

¹These landscapes are addressed in Topic 5: Landscapes and Natural Character Discussion Document.

5.0 Options

In this section options for addressing the issues identified in Section 2.0 are briefly described below, followed by a brief assessment of their strengths and weaknesses. Please note other options exist for the identified issues that have not been reflected here to keep the document concise.

Issue 1

Is the current District Plan list of heritage items robust, i.e. does it contain all items deserving of some form of protection?

The options for addressing this issue are either for the current heritage items list to be retained or for other known heritage items of value to be added to the list for protection under the District Plan. If the current list is retained as is then there is potential for important heritage items to be lost through removal or their value reduced as a result of modifications. If, on the other hand, a significant number of items are added to the list there will need to be consultation with the landowners prior to this. This could take some time and will inevitably be controversial. Following from this, if the items are included after consideration as part of the District Plan Review there will be a larger number of landowners who will no longer be able to replace buildings or even modify them without the need for resource consent. The benefit however will be that a greater number of items will have the protection of the district plan rules which require consent to be obtained for modification or demolition of these items.

Option 1 – Status quo

- To retain the current list of heritage items for protection.

Strengths	<ul style="list-style-type: none">▪ Does not involve additional effort by Council of choosing other heritage items for protection and consulting with people affected.▪ No additional landowners affected by restrictions on modification or removal of heritage items.
Weaknesses	<ul style="list-style-type: none">▪ Protection only effective in relation to the existing listed heritage items.

Option 2 – Amend

- To include all heritage items that have been assessed as having significant or outstanding heritages values including those in the Heritage New Zealand List/Rārangi Kōrero and in the 2004 Opus Report.
- This approach would be in alignment with the Canterbury Regional Policy Statement Objective 13.2.1.

Strengths	<ul style="list-style-type: none">▪ Will achieve protection of a larger number of heritage items of significant value.▪ Will add value to the built heritage of the District.
Weaknesses	<ul style="list-style-type: none">▪ Considerable cost in time and money to consult with all landowners, check values, and incorporate into District Plan.▪ Greater potential for objection and appeals.

Issue 2

Should the District Plan control works within or near archaeological sites?

The District Planning Maps identify numerous archaeological sites throughout the District, but the District Plan provides no protection for these; it simply notes that consent (an archaeological authority) is required from Heritage New Zealand if these sites are to be modified or destroyed.

If the District Plan was to control works within or near archaeological sites, it would be duplicating the consent (archaeological authority) required from Heritage New Zealand. However, many people involved in undertaking works on their urban property are likely to be in contact with the Council and this provides an opportunity for the issue of protecting these sites to be raised and possibly addressed. An exception to this is undertaking rural activities, which the Council does not hear about most of the time.

Option 1 – Status quo

- To retain the 'Note' in the District Plan which alerts the reader of the need to obtain an archaeological authority from Heritage New Zealand if an archaeological site is to be disturbed.

Strengths	<ul style="list-style-type: none">▪ Creates potential for people to become aware of the need for an archaeological authority.▪ Avoids creating an additional consent requirement for people demolishing houses or otherwise disturbing archaeological sites.
Weaknesses	<ul style="list-style-type: none">▪ Limited environmental and cultural benefits as most people do not read the District Plan.▪ Potential loss of knowledge of past inhabitants because public not aware of the value of archaeological sites.▪ May encourage vandalism of archaeological sites.

Option 2 – Include

- Include new rules requiring consent from the Council for activities likely to adversely impact the values of archaeological sites.

Strengths	<ul style="list-style-type: none">▪ Potentially effective if landowners made aware of an archaeological site.▪ More people made aware of the location and significance of archaeological sites if listed in the District Plan or shown on Planning Maps.
Weaknesses	<ul style="list-style-type: none">▪ Considerable cost in identifying archaeological sites as the definition is very broad.▪ Inefficient to create a dual consenting process which would provide no obvious additional protection of archaeological sites.

Option 3 – Include

- Identify significant archaeological sites and control land disturbance activities in these areas.
- Council to liaise with Heritage New Zealand and the New Zealand Archaeological Association to establish protocols to guide appropriate action if an archaeological site is discovered.

Strengths	<ul style="list-style-type: none">▪ Targets areas of specific value and potentially provides a higher level of protection.
Weaknesses	<ul style="list-style-type: none">▪ Time and money involved in coordinating parties and achieving identification of archaeological sites and suitable protocols to manage discovery of new sites.▪ Identification of archaeological sites could result in damage from increased public awareness and accessibility.

Issue 3

How can heritage protection be enabled while acknowledging the economic cost of protection?

It is a delicate balancing act to achieve protection of heritage resources while acknowledging the economic cost of protection on individuals and the community. In the short term at least, the costs of restoring a heritage building and bringing it up to required earthquake standards can be very onerous, and often beyond the ability of the owner to bear. Obtaining resource consent for any alteration associated with renovation, reconstruction or strengthening only adds to this burden.

The District Plan currently provides for the demolition of Category B items as a discretionary activity as compared to non-complying status of Category A items. This reflects the greater heritage value of Category A, of which there are only 11 currently listed. Any lesser regulation would provide very limited protection. Council however are able to work in association with many other organisations in promoting and achieving maintenance of heritage values within the district. Further they may be able to influence central government to provide incentives which encourage renovation, reconstruction and strengthening of heritage buildings.

Option 1 – Status quo

- To retain the current policy which recognises the different levels of heritage significance with most heritage items being subject to less stringent controls should the owners wish to rebuild, modify, relocate or demolish a listed item.

Strengths	<ul style="list-style-type: none">▪ Consenting has been reasonably effective in limiting the significant loss of heritage buildings.▪ Emergency works under the Resource Management Act have allowed for removal of chimneys.▪ Community familiar with listed heritage items and supportive of these.▪ No additional work required to protect the listed heritage items.
Weaknesses	<ul style="list-style-type: none">▪ Cost of consent processing for owners of listed heritage items.▪ Potential loss of heritage buildings through resource consent process.▪ Removal of buildings following earthquakes.

Option 2 – Include

The following approaches do not exist in the current District Plan and could be incorporated into Council policy:

- To advocate central government to incentivise owners of heritage buildings to invest in earthquake strengthening by making these expenses tax deductible.
- Council incentivise owners to invest in earthquake strengthening by methods such as increasing funding available from the Council Heritage Fund and rates rebates.

Strengths	<ul style="list-style-type: none">▪ Could be very effective depending on the level of incentive provided.▪ Use of economic instruments is very efficient as it can be achieved on a national basis through taxation.
Weaknesses	<ul style="list-style-type: none">▪ Costs fall on taxpayers but benefits received are generally more local; national pride in heritage can bring economic benefits e.g. tourism.

Option 3 – Include

The following approaches do not exist in the current District Plan and could be incorporated into Council policy:

- Enable upgrading, renovation, reconstruction, extension and addition of heritage buildings, particularly those at risk from damage by earthquakes to ensure the key heritage values of that building are retained and the ongoing use of that building is viable.

Strengths	<ul style="list-style-type: none">▪ Could assist in encouraging upgrading, renovation, reconstruction, extension or additions of heritage buildings if no or limited consents required.▪ More heritage buildings may be strengthened, reconstructed, extended or added to thus maintaining or enhancing the values appreciated by the community.
Weaknesses	<ul style="list-style-type: none">▪ Some potential for upgrading, renovation, reconstruction, extension or additions of heritage buildings to diminish the heritage values as this allows for no design controls.

Issue 4

Should protection of heritage items and buildings be extended to identify the setting in which they sit?

The current District Plan contains controls to manage subdivision of properties containing listed heritage items. However it does not manage built development or removal of plantings on these sites, which could interfere with or reduce the heritage values. To overcome this it would be necessary to establish and identify the setting of each heritage item, being the curtilage or surrounding area of the listed item which contributes to and / or is part of its heritage value. The rules would need to be modified to refer to protection of this setting in addition to the heritage item. This would include the identification and protection of heritage precincts or heritage character areas.

Option 1 – Status quo

- To retain the control on subdivision of land containing protected heritage items.

Strengths	<ul style="list-style-type: none">▪ Could be effective as prevents / manages subdivision of heritage properties, but does not prevent built development on the site which could reduce the values.▪ Avoids the cost associated with identifying the setting of each heritage item and consultation with all affected landowners but retains control over subdivision of sites.
Weaknesses	<ul style="list-style-type: none">▪ Potential loss of the integrity of some heritage buildings through modification or destruction of their immediate surrounds and settings.

Option 2 – Amend

- Identify the setting of all heritage items and include rules to manage built development within these settings.

Strengths	<ul style="list-style-type: none">▪ Could increase opportunities to maintain the value of heritage items and their environs.▪ Reasonably efficient as able to assess impacts on the setting and heritage buildings through the same consent process.
Weaknesses	<ul style="list-style-type: none">▪ Considerable cost in identifying setting of all heritage items, developing controls and consulting with all affected landowners.

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