

**CHRISTCHURCH DISTRICT PLAN**

**PLAN CHANGE 13**

**UPDATE OF HISTORIC HERITAGE PROVISIONS**

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

**RESIDENTIAL HERITAGE AREAS**

**28 MAY 2025**

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## LIST OF ABBREVIATIONS

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

## 1 EXECUTIVE SUMMARY

- 1.1.1 I have been asked by the Council to prepare this report pursuant to section 42A of the Resource Management Act 1991 (the Act/RMA). This report considers the issues raised by submissions to Council initiated Plan Change 13 – Update of Historic Heritage Provisions<sup>1</sup> (the plan change / PC13) to the Christchurch District Plan (the Plan) including those submissions made on both PC14 – Housing and Business Choice and Plan Change 13 where these are within the scope of PC13, and makes recommendations in response to the issues that have emerged from these submissions, as they apply to:
- a. Residential Heritage Areas (RHAs) – planning context; and
  - b. The proposed policies and rules for Residential Heritage Areas.
- 1.1.2 It should be noted that on 11 December 2024 Council resolved to withdraw two of the eleven Residential Heritage Areas which were originally notified in 2023 (Piko/Shand and Heaton RHAs), and also to withdraw the whole “blue cottage site” at 32 Armagh Street from the Inner City West RHA. Further, the area specific built form rules notified for RHAs, and RHA Interfaces and interface rules were withdrawn from the plan change. These withdrawals took effect by public notice on 18 December 2024.
- 1.1.3 Submissions and further submissions on provisions that have been withdrawn fall away and are not reported here. Withdrawals and amendments to the PC13 provisions as a result of the PC14 decisions in 2024 (the latter in respect of items and their settings) can be found on the PC13 webpage and “updated provisions” can be found under that subtitle.
- 1.1.4 The evidence of Dr Ann McEwan, heritage consultant, complements mine, and covers the methodology for identification and assessment of Residential Heritage Areas, including the boundaries of individual RHAs, the inclusion of particular properties within them and the potential for extensions to RHAs or additional RHAs.
- 1.1.5 This report forms part of the Council’s ongoing reporting obligations to consider the appropriateness of the proposed provisions; the benefits and costs of any policies, rules or other methods; and the issues raised in submissions on PC13. In addition to this report, the Section 32 report for PC13 – Heritage should be considered<sup>2</sup>. The discussion and recommendations included in this report are intended to assist the Panel and submitters on PC13.

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<sup>1</sup> This was the correct title of Plan Change 13 as notified, but it quickly became known as PC13 - Heritage

<sup>2</sup> The section 32 report for PC13 still includes some material on heritage as a qualifying matter under PC14, which is not relevant to PC13

- 1.1.6 Plan Change 13 and Plan Change 14 were notified together, the former under the standard RMA process, and the latter as an IPI under the Intensification Streamlined Planning Process. The protection of historic heritage from inappropriate subdivision, use and development stands on its own as a matter of national importance which is to be provided for under section 6(f) of the RMA; and was also considered by Council to be a Qualifying Matter under s771(a) and s(77)O(a), which might enable there to be lesser provision for intensification on particular sites and areas. Because of this, proposed heritage provisions which had originated in PC13 were largely duplicated in PC14. In the event, the PC14 Panel recommended deletion of all RHA provisions from PC14 in part because of scope issues deriving from the Waikanae High Court decision<sup>3</sup>, and stated that the proposed RHA rules would be tested in due course through PC13.
- 1.1.7 A total of 101 submissions were made both under PC13 and under PC14 in respect of RHAs, and these are the submissions reported on here<sup>4</sup>. Several submissions covered two or more of the topics I have set out in this report, and there is some inflation of numbers due to some duplicate submissions as well as due to the coding method, which often coded a general submission against several proposed provisions. The figures below should therefore be treated with caution. There are a total of 302 submission points listed in the table.
- 1.1.8 Broken down into submissions on the identification and assessment of RHAs, covered by Dr McEwan and reported under Issues 1 to 7 in this report, and submissions on the planning provisions for RHAs, which I cover, reporting under Issues 8 to 13 in this report, submission numbers are as follows:

	Identification and assessment of RHAs	Planning provisions for RHAs
Submission points supporting	3	46
Submission points seeking amendments (mostly additional RHAs)	54	33
Submission points both seeking amendments and opposing	1	-
Submissions points opposing	35	130
Total sub points (total no. submissions in brackets)	93 (41)	209 (60)

<sup>3</sup>Kāpiti Coast District Council v Waikanae Land Co Ltd [2024] NZHC 1654 [21 June 2024]

<sup>4</sup>Submissions originally made on PC13 can be identified by their numbering from 1000 onwards.

- 1.1.9 These numbers exclude submission points by the Council on the RHAs, which are reported on elsewhere, by Mr Marcus Langman.
- 1.1.10 The main issues raised by the submitters relevant to this s42A report are:
- a. Issue 1 - Oppose RHAs or oppose the number of RHAs
  - b. Issue 2 – Support RHAs/seek more RHAs (specific requests are covered by Dr McEwan)
  - c. Issue 3 – Seek amendments to RHA rules so they are less restrictive
  - d. Issue 4 – Clarify how RHA rules will work/make minor amendments so they work better.
  - e. Issue 5 - Question/oppose zoning in and around RHAs
  - f. Issue 6 – Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation.
- 1.1.11 This report addresses each of these key issues, as well as any other relevant issues raised in the submissions relating to RHAs, and some more general issues which were not raised in submissions, but which were either raised in the PC14 hearing by that Panel or have become evident through administration of the provisions since notification in 2023. Site specific matters are covered by Dr McEwan.
- 1.1.12 Having considered the notified PC13 material, the submissions and further submissions received, and the findings of the Council's expert advisors, I have evaluated the PC13 provisions relating to the RHAs and the proposed policy and rules for RHAs and provided recommendations and conclusions in this report. I also provide recommendations and conclusions on Dr McEwan's technical evidence on site-specific matters. The PC13 provisions with my recommended amendments to Chapter 9.3 in respect of RHAs are included in **Appendix B**. These recommendations take into account all of the relevant matters raised in submissions (other than those where the submission was on a provision that has been withdrawn) and relevant statutory and non-statutory documents.
- 1.1.13 In accordance with the further evaluation undertaken under section 32AA of the RMA that has been included throughout this report, I consider that the provisions with recommended amendments are the most appropriate way to achieve the objectives of PC13 and the purpose of the RMA.

## 2 INTRODUCTION

### REPORTING OFFICER

- 2.1.1 My full name is Glenda Margaret Dixon. I am a Senior Policy Planner in the City Planning Team, in the Infrastructure, Planning and Regulatory Services Group of the Christchurch City Council (the Council). I have been in this position since 2007.
- 2.1.2 I hold an MA (Hons) Degree from Massey University, a Diploma in Town Planning from the University of Auckland, and a Certificate of Proficiency in Advanced Resource Management Law from Lincoln University. I am a full member of the New Zealand Planning Institute.
- 2.1.3 I have 28.5 years of experience in planning and resource management, 26.5 of these in New Zealand and 2 in England. I have worked as a policy planner for the Christchurch City Council and several other Councils, on a wide variety of projects including all stages of District Plan and plan change drafting, hearings and appeals. I first began working with the heritage provisions of the Christchurch District Plan through corrections to the Replacement District Plan IHP's decisions in 2017, and have worked closely with the Council's heritage team on the drafting, pre-notification consultation and notification stages of Plan Change 13 - Heritage. This process began in late 2020.
- 2.1.4 I was the principal author of the Section 32 report for Plan Change 13, with Suzanne Richmond, planner in Council's heritage team being a contributing author. I also worked closely with Mrs Richmond to develop the amendments now proposed to the provisions of Chapter 9.3 Historic Heritage of the Plan. I took the leading role with respect to the proposed provisions on heritage areas, and Mrs Richmond took the leading role with respect to the proposed amendments on heritage items and heritage item policies and rules, hence we are both providing s42A reports on this plan change. During this process and during the assessment and mapping of the proposed RHAs I liaised extensively with Dr McEwan, and also with Amanda Ohs, Senior Heritage Advisor.
- 2.1.5 My role in preparing this report is that of an expert planner. I also provided input to heritage aspects of Council's submissions on Plan Changes 13 and 14, which were principally minor matters of clarification or consistency across related provisions, or changes proposed to remedy technical errors and omissions (including mapping) in the plan changes, that did not clearly match the outcomes promoted and evaluated by the section 32 reports. In this report, I will not be considering or commenting on relief sought in the Council submissions S751 and S1058. Mr Marcus Langman, planning consultant, will be reporting on those matters.
- 2.1.6 Although this is a Council-level process, I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 and I agree to comply with it. I



confirm I have considered all the material facts I am aware of that might alter or detract from the opinions that I express. I confirm this evidence is within my area of expertise, except where I state I am relying on the evidence of another person.

- 2.1.7 I confirm that, while I am employed by the Council, the Council has agreed to me providing this Section 42A report in accordance with the Code of Conduct.

## THE PURPOSE AND SCOPE OF THIS REPORT

- 2.1.8 I have prepared this report in accordance with Section 42A of the RMA for the purpose of assisting the current (PC13) Hearing Panel in considering and making their recommendations on the heritage issues raised by submissions and further submissions on PC13 and PC14. This includes addressing the key themes and associated issues in relation to Residential Heritage Areas and associated planning provisions that require consideration by the Hearing Panel. I also provide, at the beginning of section 6, some brief background on how RHAs were identified and provisions developed, for the assistance of the Hearing Panel and submitters. Dr McEwan has also discussed the identification of RHAs from her perspective as a heritage expert. I then evaluate the relevant submissions and further submissions and make recommendations to the Panel on whether those submissions should be accepted, partly accepted or rejected, and whether and how the RHA provisions of PC13 should be amended.
- 2.1.9 This report also addresses the following Section 32 reports insofar as they relate to Residential Heritage Areas and associated planning provisions.
- a. Plan Change 13 – Update of Historic Heritage Provisions – Section 32 Evaluation.
- 2.1.10 This s42A report therefore:
- a. discusses the relevant Christchurch District Plan Objectives and Policies as they relate specifically to Residential Heritage Areas;
  - b. provides an overview of the proposed PC13 provisions as they relate to Residential Heritage Areas
  - c. provides an overview, analysis and evaluation of submissions and further submissions received on the Chapter 9.3 provisions on Residential Heritage Areas, and
  - d. provides conclusions and recommendations.
- 2.1.11 Where appropriate, this report groups submission points together where they address the same provision or subject matter. Summary tables of my recommendations as to acceptance, acceptance in part or rejection of the submissions and further submissions are included throughout this report, with more detail provided in **Appendix D** – Table of Submissions with Recommendations and Reasons.

- 2.1.12 Where I recommend substantive changes to the plan change provisions, I provide an assessment of those changes in terms of section 32AA of the RMA. As required by Section 32AA, a further evaluation of recommended changes (including reasonably practicable alternatives) to the amendments proposed in PC13 has been undertaken and has been included throughout this report.
- 2.1.13 This report is intended to be read in conjunction with the following reports, documents, assessments, expert evidence and other material which I have used or relied upon in support of the opinions expressed in this report:
- a. The related section 42A report by Suzanne Richmond on heritage sites and settings.
  - b. The advice and recommendations of the following experts, as set out in their statements of evidence:
    - Dr Ann McEwan – Heritage consultant on the identification and assessment of RHAs, and the boundaries of individual RHAs.
    - Amanda Ohs – Senior heritage advisor on heritage, and specifically in relation to proposed new Heritage Items, and submissions regarding existing and proposed Heritage Items.
    - Philip Osborne – economic evidence on the costs and benefits of Residential Heritage Areas and sites.
- 2.1.14 The discussion and recommendations included in this report are intended to assist the Hearing Panel and submitters on PC13. Any conclusion and recommendations made in this report are my own and are not binding upon the Panel or the Council in any way. The Panel may choose to accept or reject any of the conclusions and recommendations in this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by persons during the hearing.

### 3 KEY ISSUES IN CONTENTION

- 3.1.1 A number of submissions and further submissions were received on the Plan Change provisions relating to Residential Heritage Areas, other than the identification and assessment of areas.
- 3.1.2 I consider the following to be the key issues in contention raised in submissions on this topic and have grouped the submissions and further submissions accordingly for evaluation:
- a. **Issue 1** – Opposition to RHAs as a concept or opposition to so many RHAs (those opposing particular RHAs are covered by Dr McEwan)
  - b. **Issue 2** – Support for RHAs/seek more RHAs (specific requests are covered by Dr McEwan)
  - c. **Issue 3** – Amendments sought to RHA rules so they are less restrictive

- d. **Issue 4** – Clarification sought of how RHA rules will work, and requests for minor amendments so the rules work better.
- e. **Issue 5** - Opposition to or questioning of zoning proposed in PC14 in and around RHAs
- f. **Issue 6** – Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation.

3.1.3 In addition I address the following issues which are not specifically raised in submissions, although the question of notification or not, and the costs of consents is raised in some further submissions under the broad banner of opposition to RHAs generally:

- g. **Issue 7** - Significant/ Representative/Typical/Best (covered in section 8.11 on Section 6(f) of the RMA)
- h. **Issue 8** - Notification or not in relation to applications for demolition, and costs of consents (discussed in section 10.3 on demolition policy and rules.)

3.1.4 For context on what other local authorities in New Zealand are doing in relation to heritage areas, I have provided a summary table of key features of the heritage area provisions of 14 other local authorities in New Zealand, to allow comparison with Christchurch City, and RHA provisions in PC13, at **Appendix E**. I discuss this table further at paragraph 6.1.36 and following paragraphs.

## 4 PROCEDURAL MATTERS

4.1.1 At the time of writing this report there have not been any clause 8AA meetings. However there was expert witness conferencing by heritage experts in relation to submissions on Residential Heritage Areas, ahead of the PC14 hearing in 2023. At this time it was agreed that the methodology and assessment criteria for the proposed RHAs was appropriate and reflected the requirements of the CRPS.

[Joint-Expert-Witness-Statement-of-Heritage-Experts-21-September-2023.pdf](#)

4.1.2 There were also discussions between planning experts including myself on some of the key issues raised in submissions, e.g. demolition policy and rules, and possible rewordings. No agreement was reached on these matters. The policy on demolition in RHAs is discussed in more detail at Issue 10(C) below.

## 5 BACKGROUND AND STATUTORY CONSIDERATIONS

### THE RESOURCE MANAGEMENT ACT 1991

5.1.1 The section 32 report for PC13 provides a detailed overview of the key RMA matters to be considered by PC13 and will not be repeated in detail here.

- 5.1.2 Is summary, PC13 has been prepared in accordance with the RMA and in particular, the requirements of:
- a. Section 74 Matters to be considered by territorial authority, and
  - b. Section 75 Contents of district plans; and
  - c. Section 76 District Rules;
  - d. Sections 77I and 77J.
- 5.1.3 As set out in section 32 report listed in 2.2.2. above, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of PC13 in relation to Residential Heritage Areas. These are listed in the section 32 for PC13 on pages 5-7 and include: Section 6(f) of the RMA; section 7 of the RMA; and the Canterbury Regional Policy Statement, in particular Objectives 6.2.3 – Sustainability, 6.3.2.(1) Turangawaewae - Sense of Place and Belonging , and 13.2.1- Identification and Protection of Historic Items, Places and Areas and 13.2.3 – Repair, Reconstruction etc of Built Historic Heritage; and Policies 13.3.1 - Recognise and Provide for the Protection of Historic Items, Places and Areas, and 13.3.4 – Appropriate Management of Historic Buildings. Most of these provisions refer not just to items and buildings but to places and areas, as does the Christchurch Central Recovery Plan.
- 5.1.4 While it is a non-statutory strategy in terms of the RMA, it is important to note that Christchurch City Council has an adopted “Our Heritage, Our Taonga Heritage Strategy (2019-2029)” under the Local Government Act. Council has to have regard to this strategy under s74(2)(b)(i) of the RMA. The strategy was produced in partnership with the six papatipu rūnanga of the District and with the involvement of the communities of Christchurch and Banks Peninsula. Goals of the Heritage Strategy include “seeking to develop the strongest possible regulatory framework to ensure effective protection of significant and highly significant heritage places” and “seeking to increase the scope and breadth of regulatory and non- regulatory protection measures which could achieve ... a broadened range of heritage places and values ... heritage areas...”
- 5.1.5 This s42A report includes a comprehensive assessment, in particular in the section 8 Analysis of Submissions and Further Submissions, of the remaining (i.e. post withdrawals) PC13 provisions in relation to these documents and plans and all statutory considerations in so far as they relate to the Residential Heritage Areas and related planning provisions.

## **SECTION 32AA**

- 5.1.6 As noted above I have undertaken an evaluation of the recommended amendments to the Residential Heritage Area provisions since the initial section 32 evaluation(s) was/were undertaken, and as a result of the evaluation of submissions, in accordance with s32AA.

- 5.1.7 The required section 32AA evaluations for changes I have proposed as a result of consideration of submissions are contained within the assessments provided below in relation to submissions on Residential Heritage Areas and associated planning provisions. There is a summary of these evaluations in **Appendix A**.
- 5.1.8 Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated in terms of S32AA.

## **SECTIONS 77I AND 77J OF THE RMA**

- 5.1.9 At the time of writing, PC14 decisions had only been made for “Policy 3 areas” i.e. within and around the City Centre and other commercial centres. Rezonings to High Density Residential in these areas are now operative. This means that under sections 77I and 77J of the RMA, in order for RHAs<sup>5</sup> to be accepted in the HRZ zone, there is a need to show that:
- a. A qualifying matter is present in the two relevant RHAs, Chester Street East/Dawson Street and Inner City West, which means that the provisions of the HRZ zone can be less enabling of development where the qualifying matter is present, but only to the extent necessary to accommodate that qualifying matter; and
  - b. The matters in section 77J (3) and (4) are covered in the evaluation report(s) and the economic evidence of Mr Osborne. These include demonstrating why the matter is subject to a qualifying matter, that would be incompatible with the level of development otherwise enabled; assessing the impact that limiting development capacity, building height or density would have on the provision of development capacity; and assessing the costs and broader impacts of imposing those limits.
- 5.1.10 Protection of historic heritage is a qualifying matter under section 77I(a), as protection of historic heritage from inappropriate subdivision, use and development is a section 6(f) matter of national importance. This means that historic heritage itself is a resource and the protection of this resource from inappropriate use is a matter of national importance. This does not mean that any and every heritage resource should be protected from inappropriate use, or that the heritage item or area has to itself be of national importance. In my opinion it is perfectly legitimate for historic sites and areas to be identified for protection if they have demonstrated regional or local significance.
- 5.1.11 The Residential Heritage reports written by Dr McEwan for these two areas (linked from the notified provisions and also from the section 32 appendices on the PC13 webpage) set out the

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<sup>5</sup> It may be advantageous to read section 6 first, to gain a better understanding of the proposed RHA provisions, before reading this section

history of these particular areas. Dr McEwan has also provided summary statements of the areas' heritage significance at her Appendix 1.

- 5.1.12 For Chester Street East RHA at p9 of the link below: "The historic value of this area arises from its demonstration of the colonial settlement of central Christchurch, the mix of people who contributed to the development of the city and the ongoing social patterns associated with a range of housing typologies."

[HA-2-RHA-Report-and-Record-Forms-Final-for-notification.PDF](#)

- 5.1.13 For Inner City West RHA, at p2 of the link below: "the buildings on some of [the properties] ... date from the early years of Christchurch's colonial development. The area embodies historic, architectural and contextual values relating to its central city location, underlying development pattern and proximity to major cultural and educational facilities, which include Canterbury Museum, Christ's College, the Botanic Gardens and the Arts Centre of Christchurch (formerly the University of Canterbury)."

[HA-6-RHA-Report-and-Record-Forms-Final-for-notification.PDF](#)

- 5.1.14 The heritage values of the two RHAs as distinctive and significant residential environments, which contribute to the identity and amenity of the City, rely on a high degree of intact physical evidence being present to effectively provide an historical narrative of the early development of colonial settlement in central Christchurch. There is potential for the level of integrity of these RHAs to be further eroded by the extent of development which is now provided for under HRZ zoning, e.g. a maximum height of 32m or 10 storeys in the Central City Residential Precinct.
- 5.1.15 Since the withdrawal of some of the proposed PC13 provisions in December 2024, the only control on capacity, building height and density which the remaining RHA provisions provide is a requirement for a restricted discretionary consent for most new buildings, and for alterations and demolitions of defining and contributory buildings. This means a reliance on matters of discretion on such applications, and the negotiation of potential conditions, both depending on the circumstances of the property and its surrounding environment. The level of limitation is therefore lower than under the notified RHA overlay, which included area specific built form and density controls which were more restrictive than the zoning.
- 5.1.16 The impact on development capacity of some potential reduction in height and mass, via restricted discretionary consents, is discussed in Mr Philip Osborne's evidence at a high level, as are the costs and broader impacts of restrictions based on heritage value (e.g. his Table 3). On p11 he comments that the restriction of development potential within the heritage areas could impact on the efficient locational provision of housing, for example the ability to provide for Central City residential development (or presumably redevelopment).

- 5.1.17 For non-Policy 3 areas, i.e. suburban residential areas where the other 7 RHAs are located, I do not consider it is necessary to undertake a qualifying matter appraisal under sections 77I and 77J, because there has not yet been a decision by Council to adopt the Medium Density Residential Standards for these areas (see also paragraph 6.1.22).

## **TRADE COMPETITION**

- 5.1.18 Trade competition is not considered relevant to the Residential Heritage Area provisions.
- 5.1.19 There are no known trade competition issues raised within the submissions.

## **CHRISTCHURCH DISTRICT PLAN**

- 5.1.20 The relevant district plan provisions also need to be considered in preparing a plan change and considering any submissions on the change. The section 32 report for PC13 contains an evaluation of the historic heritage proposals of PC13 including provisions covering the Residential Heritage Areas, against the relevant District Plan objectives and policies.
- 5.1.21 Policy 9.3.2.2 Heritage Areas of the operative District Plan provides a framework for identifying, assessing and scheduling heritage areas. As the last District Plan review was effectively a fast tracked process (under an Order in Council), there was inadequate time to do this comprehensively. In the event only one heritage area, Akaroa, was included in the District Plan as a result of a submission. I understand that this heritage area was not identified and assessed in the same way as the (residential) heritage areas currently being proposed in PC13. The Akaroa heritage area has no rules attached, but does have matters of discretion e.g. a requirement for consideration of heritage values in that area, in assessing proposals for development which breach non-heritage District Plan rules. Policy 9.3.2.2.11- Future Work Programme, does indicate that the Council “will facilitate further identification and assessment of.....heritage areas for inclusion in the District Plan over time”.
- 5.1.22 PC13 proposes amendments to Policy 9.3.2.2 Heritage Areas, so as to be more consistent with the wording of Policy 9.3.2.1 for heritage items e.g. the title, and to better reflect the criteria for scheduling of heritage areas (these are discussed at paragraph 6.1.6 below). These wording amendments do not fundamentally change the direction of the policy, but rather refine it so that it is more useful and informative in setting out Council’s approach to identifying and scheduling heritage areas. The wording of the management, ongoing use and demolition policies of Chapter 9.3 is also proposed to be amended to include heritage areas.
- 5.1.23 There are no rules currently in Chapter 9.3 of the Christchurch District Plan for Residential Heritage Areas, so to achieve a level of protection, the plan change proposes new activity rules, requiring restricted discretionary activity consent for new buildings and alterations to buildings in RHAs, with some exceptions, and for demolitions of defining and contributory buildings. At

notification the plan change also proposed rules for interface areas in this subchapter, and specific built form and density rules for RHAs (in Chapter 14.5 Medium Density Residential zone and Chapter 14.8 Residential Banks Peninsula zone), but these were withdrawn in December 2024.

- 5.1.24 These proposed provisions were assessed in the Section 32 report for PC13 in terms of consistency with the relevant strategic directions set out in Chapter 3 of the District Plan, and appropriateness in achieving the purpose of the Act.
- 5.1.25 Chapter 3 Strategic Directions of the Christchurch District Plan provides the overarching direction for the District Plan and all other chapters of the Plan must be consistent with its objectives (3.1). It provides a direction for Residential Heritage Areas by stating as an outcome at Objective 3.3.9 – Natural and Cultural Environment:

“a. A natural and cultural environment where:

- i. Objects, structures, places, water/wai, landscapes and areas that are historically important, or of cultural or spiritual importance to Ngāi Tahu mana whenua, are identified and appropriately managed.”

## 6 PLAN CHANGE 13 – RESIDENTIAL HERITAGE AREAS

### OVERVIEW

- 6.1.1 Paragraphs 2.2.38 to 2.2.51 of the section 32 report for Plan Change 13, explain where the Residential Heritage Area concept came from and how the 11 Residential Heritage Areas (now 9) proposed to be introduced into the Christchurch District Plan were identified and assessed. For the convenience of the Panel and submitters, I will summarise and set out key elements of this information here.
- 6.1.2 The definition of historic heritage under the RMA includes historic sites, structures, places and areas, but other than the Akaroa Heritage Area (HA1) there are no historic heritage areas in Christchurch scheduled or protected in the District Plan. However heritage staff in Council and Council’s heritage advisors consider that there are particular residential areas of the City where buildings and features have collective heritage values as distinctive and significant residential environments. They are made up of multiple buildings and features which collectively rather than individually are of significance to the City’s heritage. Along with individually scheduled buildings or other items of significant historic heritage, these areas contribute to the overall heritage values, identity and amenity of the City. Where these areas have a high degree of intact physical evidence, they can effectively communicate a historical narrative of the development of areas in



Christchurch, and Council considers that they warrant heritage protection as Residential Heritage Areas.

- 6.1.3 The previous City Plan included Special Amenity Areas (SAMs) which at the last District Plan review evolved into Character Areas. These were continued with some amendment in Plan Change 14. There is further discussion of the difference between Heritage Areas and Character Areas at Issue 8(C) below.
- 6.1.4 Council staff have also considered for some time, that some (although not all) of the Character Areas have additional heritage values as residential environments representing important aspects of the City's history, for example Englefield/Avonville and Lyttelton. Over time there has also been a realisation that for some of these areas, protection of coherent heritage values rather than character ought to be the primary consideration. This has led Council towards separating out the two types of areas.
- 6.1.5 There is still some overlap between the two types of areas, (ref **Appendix F** in relation to identifying RHAs vs Character Areas), but only some Character Areas have this additional layer of shared history, in which case there may also be a proposed Residential Heritage Area for the same or a similar area. This applies to the Englefield Avonville, Church Property Trustees North St Albans Subdivision (1923), Macmillan Avenue, and Lyttelton Residential Heritage Areas, where for each there is also an associated Character Area. In some cases these two types of areas are only loosely aligned geographically, as they are defined in a different way and with a different range of criteria. The other five Residential Heritage Areas are not associated with Character Areas because, despite the shared history in the area, they are much more diverse in character.
- 6.1.6 Maps of the notified RHAs, with some of them also showing Character Area boundaries where there is geographic overlap are currently found on the PC13 webpage under "Provisions". These still include notified interface areas which have since been withdrawn. [Proposed Heritage Plan Change \(PC13\): Christchurch City Council](#)
- 6.1.7 Updated maps following withdrawals by Council in December 2024 can be found under "Updated Provisions and Maps". [Proposed Heritage Plan Change \(PC13\): Christchurch City Council](#)
- 6.1.8 Paragraphs 2.2.42 and 2.2.43 of the section 32 report for PC13 describe the 2010 study for CCC by heritage advisors, which established a definition for heritage areas, setting out essential elements which a heritage area must contain. In 2021 and 2022 this definition provided the basis for a potential RHA template devised by staff, and was used together with considerable additional investigation by both Dr Ann McEwan and Council's heritage team to assess possible RHAs. The criteria adopted for identifying a heritage area can be summarised as:
- a. Fulfils one or more of Council's standard heritage assessment criteria (historical/social, cultural/spiritual, aesthetic/architectural, technological and craftsmanship,

context/environment, archaeological or scientific significance), at a significant or highly significant level;

- b. Incorporates a collection of elements that together addresses the interconnectedness of people, place and activities;
- c. Contributes to the overall heritage values, identity and amenity of the city;
- d. Has a coherent heritage fabric which meets recognised criteria for heritage assessment;
- e. Demonstrates authenticity and has integrity, applying to both tangible and intangible heritage values;
- f. Contains a majority of sites/buildings that are of Defining or Contributory importance to the Heritage area;
- g. Has been predominantly developed more than 30 years ago; and
- h. Includes no less than 15 properties.

6.1.9 Of an original 89 potential areas, the vast majority of the areas were discounted as not meeting all elements of the definition of a Heritage Conservation Area<sup>6</sup> /Residential Heritage Area, leaving just 7 areas. Four additional areas not included in the original 89 were assessed during further stages of the work as also meeting the criteria, making a total of 11 notified areas. The template at Appendix 10 to the section 32 report was used as a starting point for all areas, and also as a record of reasons for those areas which were rejected. (See also Dr McEwan’s description of RHA background and methodology at her paragraph 17 onwards).

6.1.10 In most cases candidate areas did not meet the criteria due to a lack of sufficient heritage values, and/or a lack of integrity and authenticity. A number of areas fell short of the threshold of the majority of the sites/buildings having primary (defining) or contributory importance to the heritage area, predominantly because they were not sufficiently intact following the earthquakes and post-earthquake change. In some cases there was character in line with the Character Area provisions of the Plan, but there was compromise to the historic heritage values of the area as a result of demolition, housing modification or new development, intrusive fencing etc.

6.1.11 Site by site assessment was undertaken for the 11 areas which did meet the criteria. The areas were mapped on aerial maps and on the Planning Maps, and were supported by Council heritage reports for each area written by Dr McEwan. These reports contain the history and heritage values assessment of the area, record forms for individual properties within the area, and tables indicating the contributory values of individual properties. The latter were also mapped. Maps, area reports and record forms will be linked to Appendix 9.3.7.3 in the District Plan. As is typically

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<sup>6</sup> Heritage Conservation Area was the original term used in 2010, but the term was changed to Residential Heritage Area in the work from 2021 onwards, as Conservation Area can be confused with the concept of Conservation Areas used in the UK, for much more uniform areas with considerably more stringent planning controls.

the case across New Zealand, there is considerable variation of building stock and associated features even within the most intact areas.

- 6.1.12 Based on the site by site assessment, properties within the areas were categorised by Dr McEwan as “defining”, “contributory”, “neutral” or “intrusive”, depending on the contribution they make to the overall heritage values of the area. For example “defining” buildings and structures establish and embody the historic heritage values of the area, whereas “contributory” buildings and structures support these values, as they are in sympathy with the design and typology of their neighbours, but may be modified or modern. Neutral buildings and structures are those that neither establish, support nor detract from the historic heritage values of the heritage area and may be modern buildings. Intrusive buildings and structures are those that detract from the historic heritage values of the heritage area, and are inconsistent with it, including some non-residential uses, high rise buildings and most vacant lots (except in Lyttelton) which are generally considered intrusive within the streetscape.
- 6.1.13 The categorisation of buildings and structures makes a difference to the planning rules which will apply, as will be explained below. It can be noted that some other local authorities, eg Auckland Council, and Wellington City Council, use only two categories of buildings in Historic Heritage Areas i.e contributory and non-contributory. However a decision was made by Christchurch Council in the 2009-2010 work, that four categories provided a more nuanced description of buildings within RHAs, and I support this approach. (I discuss this further in following sections). The reports, aerial maps showing the area boundaries and mapping of the categories of the contributions that individual properties are considered to make to the heritage values of the area, are proposed to be linked from the District Plan so that they are readily accessible. All these are currently found on the PC13 webpage under “Provisions”, and also in the appendices to the section 32 report.
- 6.1.14 It is useful to note that the degree of intactness of the 11 areas originally proposed averaged only about 64% of buildings being classed as definitive or contributory (this overall figure stays the same with the remaining RHAs, and sites withdrawn from Lyttelton) and varies between around 55% in the Shelley/Forbes RHA to over 90% in the Wayside Avenue RHA and RNZAF Wigram Staff housing RHA. A qualifier to this is that most RHAs are small, because particular properties or groups of properties with a shared history, but where there was no longer sufficiently intact physical evidence of heritage values, were excluded from the RHA areas. So were a number of properties on the edges of proposed RHAs, generally “neutral” properties, which were not visible from the street. It also has to be noted that a policy was adopted of not having “holes” within RHAs. This will be discussed further below.
- 6.1.15 As already noted, the 11 RHAs became 9 RHAs as of 11 December 2024, due to a Council decision to withdraw the Piko/Shand and Heaton RHAs.

6.1.16 The Piko/Shand area was withdrawn because Councillors considered that the area is suitable for new housing, including social housing. The Heaton RHA was withdrawn because Councillors considered that the small size of the RHA and the degree of change in the area did not warrant RHA provisions being pursued.

## PROPOSED PLAN PROVISIONS FOR RHAS

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

6.1.18 Policy 9.3.2.2.2 would now read:

### 9.3.2.2.2 Policy – Identification, assessment and scheduling of heritage areas

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

6.1.19 These wording amendments do not fundamentally change the direction of the policy, but rather make it more useful and informative in setting out Council's proposed approach to heritage areas. The management, ongoing use and demolition policies of Chapter 9.3 are also proposed to be amended to encompass heritage areas. Policy 9.3.2.2.8 for demolition is proposed to be amended to cover RHAs, but only in respect of defining and contributory buildings (Rule 9.3.4.1.3.RD7), as Council has no interest in controlling the demolition of buildings which do not contribute to the heritage values of the area.

6.1.20 With regard to rules, four specific sets were proposed for RHAs at notification in 2023: zoning (in PC14 only); activity rules, built form rules and subdivision /density rules. All the RHAs are within residential zones affected by PC14, so if these zones were applied without modification, the RHAs would all be zoned High Density Residential (HRZ) or Medium Density Residential (MRZ), or in the case of Lyttelton, Banks Peninsula Residential zone, with no specific protection for collective heritage values.

- 6.1.21 At the time of notification Council considered that it was inappropriate to zone any RHAs to High Density Residential, because of the pressure this would put on the properties to be redeveloped to reflect greater development opportunity and potentially higher land values, hence the three RHAs in the Central City and nearby (Chester Street East, Inner City West and Englefield Avonville) were all zoned as MRZ in PC14, even though some or all of the land surrounding them was zoned HRZ.
- 6.1.22 At the time of writing, PC14 decisions had only been made for “Policy 3 areas” i.e. within and around commercial centres. PC14 decisions included deletion of RHAs as a Qualifying Matter, and rezoning of the land within them back to HRZ in the Chester Street East, and Inner City West RHAs, with the zoning around Englefields reverting to MRZ, rather than mostly HRZ as in proposed PC14. However the future of Medium Density zoning outside of Policy 3 areas has become more uncertain, due to a Resource Management Bill expected to become law after a third reading in Parliament in July. This will allow councils to withdraw undecided parts of Intensification planning instruments, e.g. for Christchurch, provisions for intensification in suburban residential zones such as MRZ zoning. This Council will need to evaluate its options and decide on a way forward once the legislation has come into force. As there has been no decision yet on adoption of the MDRS outside of Policy 3 areas, the qualifying matter requirements of the RMA do not yet apply for RHAs outside of those areas.
- 6.1.23 In the PC13 context, the HRZ zoning outcome which is now in place in the Central City RHAs of Chester Street East and Inner City West, could promote redevelopment of properties with heritage values, reflecting greater development opportunity and potentially higher land values. Therefore I have undertaken an assessment at section 5.1.9 above and following paragraphs, that applies the requirements of ss77I and 77J to those RHAs as qualifying matters.
- 6.1.24 New activity rules for RHAs are proposed in Chapter 9 at Rules 9.3.4.1.3 RD6 and RD7. Under RD6, most new buildings and alterations to buildings in RHAs, as well as alterations to front fences of over 1.5m in height, would require a restricted discretionary consent, to enable assessment of the proposal in terms of its effect on heritage values. There are exceptions for buildings under 5m located to the rear of the main residential unit, and alterations to neutral or intrusive buildings which are not visible from the street. RD7 requires consent for demolition of defining and contributory buildings in RHAs. Demolition of neutral or intrusive buildings is a permitted activity.
- 6.1.25 The proposed use of restricted discretionary activity status for the Residential Heritage Areas reflects Council’s existing approach to protection of heritage items, which is generally a case by case restricted discretionary assessment of development proposals. In my opinion this is appropriate. This represents a judgement that context and circumstances differ greatly between different items of heritage value, making it difficult to define activity or built form standards.

- 6.1.26 Council’s heritage team do not consider that controlled activity status is adequate to protect or conserve heritage, and nor do I. Conditions on a controlled activity consent cannot be so limiting as to effectively prevent the activity taking place. Controlled activity conditions also cannot require changes to the proposed development, for example to require relocation within the site of buildings such as garages or even changes to the design of alterations so that they are more compatible with heritage values. Council’s Heritage Team also state that discussion and negotiation with applicants to achieve greater alignment with heritage values, is less effective when there is no possibility of public notification or, in worst cases, refusal of a consent. In practice for resource consents generally (as opposed to resource consents in heritage areas), it is rare for restricted discretionary activity consents to be declined<sup>7</sup>.
- 6.1.27 Since new heritage provisions have immediate effect upon notification, there have now been two years of experience with RD consents being required in RHAs in Christchurch. Within RHAs, all proposals for alterations and additions have gained approval, with the most contentious consents having been those where demolition is proposed. As at mid May 2025, two consents for demolition had been granted, one of these after public notification and a hearing. Until very recently there were two pre-applications to demolish plus two applications to demolish “on hold”, pending the outcome of this PC13 hearing, but one in each of these categories was removed from the Lyttelton RHA by Council’s decision in April 2025. Another application to demolish the “blue cottage” in the Inner City West RHA has been made unnecessary by Council’s removal of it from the RHA in September 2024. There are another two demolition applications at the Request for Further Information (RFI) stage of the process.
- 6.1.28 Further, there have been another 10 pre-application meetings to discuss the possibility of demolition. Eight of these were for “defining” buildings. I will discuss the question of consents for demolition in more detail under Issue 10(C) below.
- 6.1.29 Matters of discretion for RHAs (see proposed Rules 9.3.6.4 and 9.3.6.5) are similar to, but there are fewer of them, than those for scheduled heritage items. For RHAs there is intended to be a primary focus on the collective values of the heritage area. There must necessarily also be a secondary focus on individual defining and contributing buildings which contribute to the heritage values of that area, otherwise the values of the RHA would be cumulatively degraded over time (“death by a thousand cuts”).
- 6.1.30 I understand from Council’s heritage team that in respect of new buildings in RHAs, the threshold/bar for new development under the matters of discretion in proposed Rule 9.3.6.4 is

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<sup>7</sup> Council figures for the 2023/24 year, show that out of 1,586 restricted discretionary consents processed across all topics (i.e. not just heritage), only 1 was declined. The equivalent figures for the 2024/25 year as at 21 May, are 1,371 RD applications, with none declined. An important factor influencing this is that there may be considerable discussion with applicants including at the pre-application stage, to achieve a proposal which can be supported. Many potential applicants are not prepared to pursue an application which is likely to be declined, and some applications are withdrawn or significantly changed.

not being interpreted to be so high that they would expect new development to be built so as to be of defining or contributory standard, but rather built so as not to offend the key heritage values of the area. In other words proposals for new buildings being assessed for resource consent within an RHA would be expected to only broadly respond to the identified heritage “characteristics” of an area, such as rooflines, mass and form, without replicating all of the details of the building being replaced. In the same way as for heritage items, the list of matters of discretion may not in itself indicate exactly how heritage staff will interpret the matters, but rather over time this becomes evident through advice given on particular applications. Consistency of advice and expectations as to what advice will be received will be aided by a clearer policy stance on Council’s likely approach, for example in relation to demolition, which I discuss in more detail in section 10(C) below.

- 6.1.31 Specific built form rules for RHAs were included at notification in the rules package at Rules 14.5.3.2 (for RHAs in MRZ zones) and 14.8.3.2 (for Lyttelton RHA, in the RBP zone). The built form rules proposed for RHAs matched those of the relevant Character Areas, because if such rules differed this would cause significant confusion for property owners. Proposed Character Area rules were based on a detailed assessment of the current form of buildings and of streetscapes, and aimed to maintain existing built form so far as possible.
- 6.1.32 The proposed built form rules for Character Areas were, in the event, recommended to be deleted by the PC14 IHP, as they were in general less enabling, i.e. more restrictive, than the built form rules for Character Areas in the operative District Plan. The PC14 IHP also criticised the same key built form rules being proposed for the RHAs, on the basis that in some locations eg Chester St East, they were more restrictive than the actual built form of existing residential units. As already noted, these built form rules have now been withdrawn.
- 6.1.33 The third set of rules proposed for Residential Heritage Areas were those for density standards including subdivision rules. Again the notified proposal was that these matched the density and subdivision standards proposed for Character Areas, to avoid confusion. These RHA rules were proposed at Rule 8.6.1. and Rule 14.5.3.2.7 for MRZ zones. Again in some cases the minimum subdivision size was proposed to be increased from that possible under the current zoning. For example for sites in the St Albans RHA, where the RSDT zoning has a minimum site size of 400m<sup>2</sup>, the minimum site size was proposed to be 600m<sup>2</sup>, although with additional provision for minor residential units. The PC14 IHP did not accept these proposed rule amendments for Character Areas either, as the IHP considered them to be more restrictive than the operative District Plan. The Council accepted these recommendations for Character Areas.
- 6.1.34 In these circumstances it would not have made sense to pursue specific built form rules for RHAs, and they were withdrawn in December 2024, thereby simplifying the rule package and potentially reducing consents required. For built form, this means reliance on the restricted discretionary consent to assess appropriateness in the context of the underlying zone rules,

whatever they end up being as a result of PC14 (operative District Plan zonings, or MRZ, where there could still be a choice between the two on which provisions to use). If significant intensification does eventuate, it may be more difficult to achieve good heritage outcomes, eg there is the potential for much larger scale and dominance from new and additional buildings, with associated loss of space and vegetation.

6.1.35 A final rule which was included in the notified package but has also been withdrawn was the proposal for an Interface Overlay for sites sharing a boundary with an RHA. This only applied where the adjoining zoning would be High Density Residential or Visitor Accommodation. A rule proposing restrictions on properties outside of the area of value was always likely to be problematic, as it went beyond normal planning practice, and this rule was strongly criticised by the IHP for PC14. The Council withdrew that rule in December 2024.

## HERITAGE AREAS IN OTHER DISTRICT PLANS IN NZ

6.1.36 In **Appendix E** I have summarised the heritage area provisions of 14 other Councils in NZ in their District Plans, to allow comparison with Christchurch City on some key features. For the most part I have done this as a desktop exercise, based only on what is evident through plan provisions, especially rules.

6.1.37 Some of these District Plans have incorporated Heritage Areas for some time, especially those where there is likely less development pressure, such as Whanganui and Thames-Coromandel, but also others such as Auckland and Wellington, where this is not the case. These Heritage Areas have generally been of limited size.

6.1.38 More recently there appears to have been a number of new Heritage Areas proposed, partly in response to the NPSUD and MDRS i.e. as qualifying matters which might allow a lower level of intensification than would otherwise be the case. Some have not succeeded as qualifying matters due to being more restrictive than the status quo. This includes Christchurch's RHAs under PC14, as there were previously no provisions on Heritage Areas in the District Plan. Across the Council provisions examined, there also appears to have been some confusion over what the appropriate criteria for identifying RHAs should be and how and at what levels to demonstrate significance. Some Councils have recently proposed their second round of heritage area provisions under the standard RMA plan change process, e.g. Hamilton and Hutt Councils.

6.1.39 There still appears to be a lot of overlap between heritage and character, e.g. Oamaru and Dunedin Councils use the terms "character contributing" and "non-character contributing" buildings in heritage areas, as opposed to "contributing" and "non-contributing" elsewhere.

6.1.40 Around half of the Councils schedule areas, with the other half scheduling individual buildings within those areas. The latter may allow more easily for categorisation between different



buildings in RHAs, but does potentially make for more confusion between individually scheduled buildings outside these areas or within them, in terms of status and rules applying. Individual buildings within areas are generally scheduled as Class B, or a lower category than those buildings which would have been scheduled individually even in the absence of heritage areas being identified.

- 6.1.41 All the Councils except Invercargill have demolition rules applying to contributing sites at least, mostly requiring a fully discretionary activity consent for demolition, and some a restricted discretionary consent as proposed in Christchurch’s PC13.
- 6.1.42 Christchurch City’s only unique feature is that four categories are used within RHAs, rather than two as in all other Council’s provisions. While “defining” and “contributory” could be amalgamated in the Christchurch provisions and all termed “contributory”, and “neutral” and “intrusive” could be amalgamated as “non-contributory”, I do not consider this is necessary. Some information would be lost as to the relative heritage values of buildings in the RHAs, particularly for the defining and contributory categories, between authentic (defining) and modified but still in sympathy with the design and typology of their neighbours (contributory).
- 6.1.43 Changes in categorisation of buildings over time, through for example plan changes, will usually be downgrades to lower categories, with the exception of previously vacant sites newly built on, which may be upgrades. In most cases the effect, rules wise, would be the same as if Christchurch did have only two categories; this being a result of the two levels of planning rules used in PC13 – defining and contributory have the same rules as each other, as do neutral and intrusive. Dr McEwan’s evidence lists some addresses, where the buildings should be recategorised now (or even deleted from the RHA, for two streets in Lyttelton) as an update on the heritage investigation work done in 2022, and for Lyttelton earlier this year.
- 6.1.44 Matters raised in submissions and some associated matters such as notification of consents, are discussed in section 7 below, with submissions grouped into sections based on issues raised.

## 7 CONSIDERATION OF SUBMISSIONS AND FURTHER SUBMISSIONS

### OVERVIEW OF SUBMISSIONS AND FURTHER SUBMISSIONS

- 7.1.1 PC14 and PC 13 were both notified on 17 March 2023, with submissions and further submissions closing on 12 May 2023 and 17 July 2023 respectively. The Council received 60 submissions (numbered as SX) requesting 209 separate decisions (submission points numbered as SX.Y) in relation to planning provisions for Residential Heritage Areas. It also received 41 submissions requesting 93 separate decisions in relation to site specific matters for RHAs covered in the evidence of Dr McEwan. I have incorporated her recommendations and reasons in **Appendix D**,

my table of the submissions and further submissions in respect of the RHAs overall. The submissions received on both aspects of this topic attracted around 165 further submissions from a much smaller number of submitters, opposing or supporting the decisions requested (each further submission point numbered as FSX.Y). **Further submissions are not included in the tables in the main body of this report but are included in Appendix D.**

- 7.1.2 For the summary of submissions relating to Residential Heritage Areas, site specific matters and planning provisions for RHAs, refer to **Appendix D**, which includes recommendations to accept or reject. A copy of the submissions and further submissions received have been provided to the Hearing Panel. Copies of all submissions relating to heritage from both Plan Change 13 and PC14 can also be viewed on the Council webpage [Proposed Heritage Plan Change \(PC13\) : Christchurch City Council](#)
- 7.1.3 The table at paragraph 1.1.8 indicates the balance of submission points in respect of either supporting or opposing the identification of RHAs, and either supporting or opposing the planning provisions for RHAs.

## OUT-OF-SCOPE SUBMISSIONS

- 7.1.4 I am not aware of any submissions on PC 13 or via PC14 in relation to Residential Heritage Areas which could be considered out-of-scope, as most submitters on this topic have been specific about their concerns, and I consider the variety of relief sought to be 'on the plan change'.
- 7.1.5 In regard to two minor changes to RHA boundaries recommended in this report which were not sought in submissions, the three houses in Barbadoes Street are outside the boundaries of the notified Chester St East RHA, so are likely to be out of scope of the Plan Change. In respect of the recommendation to exclude the new YMCA buildings on Hereford Street from the Inner City West RHA, I am of the opinion that the broad nature of PC13 provides wide scope for changes to be made to the proposed RHA provisions, including “shrinking” of boundaries. The range of submissions received, ranging from deleting RHAs entirely to supporting the proposed RHAs and seeking more of them, supports that assessment.
- 7.1.6 This is also the “scope status” of the additional removals that Dr McEwan has recommended as a result of checking the heritage work she undertook in 2022 for changes in circumstances since then. Shrinking of boundaries of an RHA will be within scope; as will reductions in contribution value. A change from intrusive to neutral as a result of rebuilding on a vacant site, will have no effect on the RHA rules that apply to that property, so might also be within scope.

## REPORT STRUCTURE

- 7.1.7 The points made and decisions sought in submissions and further submissions can be grouped according to the issues raised, as set out in Table 1 below. The wording is my summary of the

submission points rather than directly quoting from the submissions. I have separated the issues into issues reported on by Dr McEwan - Group A issues - and issues reported on by myself – Group B issues - and they will be considered below in that order in this section 42A report.

7.1.8 I agree with the recommendations of Dr McEwan, except where I have noted otherwise, so I will only summarise her recommendations on the identification and assessment of RHAs, and the boundaries of individual RHAs. In some cases I may add planning comment to her recommendations.

**Table 1 – Issues raised in submissions**

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

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

(A) ISSUES	CONCERN / REQUEST
1. Chester St East/Dawson St RHA	<ul style="list-style-type: none"> <li>• Extend the RHA to take in the full length of Chester St East. i.e. to Fitzgerald Avenue, to maintain the integrity of the community.</li> <li>• Include the former Wards Brewery site.</li> <li>• Include the southern side of Kilmore Street from Dawson Street in the east to Barbadoes Street in the west.</li> <li>• Include 129, 131 and 133 Kilmore Street.</li> <li>• Exclude the Fire and Emergency property on the north side of Chester St from the RHA.</li> </ul>
2. Macmillan Avenue RHA	<ul style="list-style-type: none"> <li>• Remove 20 Macmillan Avenue from the proposed RHA, as it no longer meets the heritage area criteria. It is not visible from the road. The RHA boundary splits two titles which could create problems for future subdivision or boundary adjustment.</li> <li>• Clarify the boundary of RHA8, which was a SAM area in the old City Plan, and ought to be wider. The home of John Macmillan Brown at 35 Macmillan Avenue should be included.</li> <li>• Other homes/properties of iconic citizens should be included in the District Plan.</li> </ul>
3. Inner City West RHA	<ul style="list-style-type: none"> <li>• Supports Inner City West RHA and seeks that Cranmer Square be included in it.</li> <li>• Seeks that the Inner City West Residential Heritage Area overlay is removed from 31 Cashel Street and other sites on Cashel Street</li> <li>• Delete the RHA from 6,14,16, 20 and 22 Armagh Street, 4,6,8,13,14,and 19 Gloucester Street, and 54, 64 and 72 Rolleston Ave (in Rolleston Av, excluding the heritage items and setting at 64 Rolleston Avenue). [These properties are all owned by Christs College].</li> <li>• Oppose the definitions of defining, contributory, neutral and</li> </ul>

	<p>intrusive buildings in RHAs as being vague and uncertain.</p> <ul style="list-style-type: none"> <li>[For heritage reasons] Seek that Commercial use be confined to Oxford Terrace and that the Medium Density Zone extends from 59 Gloucester Street in a direct line south to the River at 75 Cambridge Terrace, displacing the Mixed Use Zone.</li> </ul>
4. CPT/North St Albans (1923) RHA	<ul style="list-style-type: none"> <li>Delete HA3 (CPT/North St Albans RHA) from Appendix 9.3.7.3 but keep the area as a residential character area.</li> <li>Change 48 Malvern Street from a “defining” to a “neutral” building.</li> </ul>
5. Shelley/Forbes RHA	<ul style="list-style-type: none"> <li>Support the inclusion of RHAs including RHA11 Shelley/Forbes Street.</li> <li>Amend Appendix 9.3.7.3 to include 10 Shelley Street as a defining building</li> <li>Oppose the RHA as it applies to Forbes Street, Sydenham.</li> </ul>
6. Lyttelton RHA	<ul style="list-style-type: none"> <li>Remove Lyttelton as a heritage area and instead pick a specific street or smaller area to designate as heritage</li> <li>Oppose the extent of the Lyttelton Heritage Area and seek that this be reduced.</li> <li>Support the extent of the Lyttelton Heritage Area as notified.</li> </ul>
7. Requested additional RHAs	<ul style="list-style-type: none"> <li>Mary Street and Rayburn Street in Papanui</li> <li>Area around Papanui St, Dormer St, Rayburn Ave and Perry St</li> <li>Windermere Road and St James Street</li> <li>Beverley Street St Albans/Merivale</li> <li>Scott Street Sydenham</li> <li>Additional areas of Hornby, South Hornby, Sockburn, Hei Hei, Islington, and Broomfield</li> <li>Much larger Riccarton heritage setting from Mona Vale to the Britten stables and war memorial at Jane Deans Close</li> <li>Cashel Street to Ferry Road, Bordesley Street to Nursery Road, Philipstown</li> <li>Dover Street workers cottages, St Albans</li> <li>Woodville Street, St Albans</li> </ul>

(B) ISSUES	CONCERN / REQUEST
8. Oppose RHAs or oppose the number of RHAs	<ul style="list-style-type: none"> <li>Oppose so many heritage areas being added, especially in the suburbs. Our city needs to grow and change.</li> <li>Should be no RHAs – the areas do not seem to have any unique or distinguishing features.</li> <li>Limit RHAs to those that genuinely possess a consistent style of built environment that is unique to that area.</li> </ul>

	<ul style="list-style-type: none"> <li>• The full implications of RHAs should be disclosed and should be no more than the current provisions of Character Areas. There is little indication of the difference between them.</li> <li>• The concept of RHAs is based on colonial heritage values and comes from a position of privilege and bias. The heritage provisions are ethnocentric and do not provide for a Ngāi Tahu worldview.</li> <li>• Oppose historic heritage provisions being less enabling and/or resulting in greater regulation and resource consent requirements. This is inconsistent with Strategic Objective 3.3.2 and Heritage Objective 9.3.2.1.1.</li> <li>• Delete all RHAs and all associated provisions.</li> <li>• Oppose RHAs as they do not meet the requirements of S6(f) to be of national significance. RHAs lack a strong evidence base. Council has sought to conflate special character with historic heritage.</li> <li>• Strike out all rules as they relate to RHAs.</li> <li>• Oppose and strike out all RHAs and RHA rules especially Lyttelton, which has an authentic and vibrant character, and Inner City West.</li> <li>• Having an RHA overlay over Christ College’s landholdings is inconsistent with the SP School Zone and its aim of enabling education providers to efficiently develop their land and buildings for education activities. The school holds a certificate of compliance for the demolition of all buildings across their land on the eastern side of Rolleston Av (excluding the two scheduled buildings).</li> </ul>
<p>9. Support RHAs/seek more RHAs</p>	<ul style="list-style-type: none"> <li>• Strongly support the inclusion of [11] new heritage areas. Disappointing that there are not more areas and that they are not bigger. Central City East has already lost a lot to “lowest common denominator” multi-unit housing. Incredibly important to preserve what we have left of the City’s heritage.</li> <li>• Support the inclusion of [11] Residential Heritage Areas, as this will provide an important new layer of protection for these neighbourhoods with heritage values. Christchurch has a wealth of history which plays an important role in generating a feeling of identity and wellbeing, as well as encouraging intergenerational connection.</li> <li>• Leave some areas to character and heritage otherwise the City will change too much. No memories.</li> <li>• Support RHAs.</li> <li>• Retain RD6 and RD7 as proposed [main rules for RHAs] as well as other rules for RHAs e.g. matters of discretion.</li> <li>• Strongly support measures to prevent development of high density housing in heritage areas.</li> <li>• Support the creation of RHAs in Macmillan Avenue Cashmere and Shelly/Forbes St Sydenham.</li> </ul>

	<ul style="list-style-type: none"> <li>• Support proposed RHAs, in particular the proposed Chester St/Dawson St RHA</li> <li>• Support the creation of the Englefield Heritage Area</li> <li>• Further heritage areas need to be assessed and created across the city to protect Christchurch’s remaining built history. Built history tells the story of the city and after a period of such great loss following the Christchurch earthquakes, far greater effort needs to be made to preserve the best of what remains.</li> <li>• Support the protection of RHAs and recognise the need to balance housing development with protecting areas of cultural heritage and identity. Engagement with cultural heritage promotes community wellbeing.</li> </ul>
<p>10. Amend RHA rules so they are less restrictive</p>	<ul style="list-style-type: none"> <li>• Defining and contributory categories should be removed from the plan change.</li> <li>• Lyttelton’s fabric is constantly evolving and should not be locked into an image of the past. Include only defining and contributory sites in the RHA. Remove all neutral sites.</li> <li>• Contributory buildings should not be subject to a resource consent for demolition if rebuilding in line with the character of the street.</li> <li>• Oppose the proposed amendments to Policy 9.3.2.2.8 Demolition, as this subjects buildings in heritage areas to the same policy tests as listed items.</li> <li>• Rule 9.3.2.1.3 RD6 appears to cover all buildings on a site, and also minor works to alter building exteriors e.g. installing a cat door. This is onerous and inefficient as a rule and has the practical effect of listing all the buildings on site as well as the setting. Same alterations rule as that for listed buildings should not apply. Delete rule or rewrite if kept.</li> <li>• Delete Rule 9.6.3.4 Matters of discretion, or if it is kept, amend to remove matters that focus on the dwelling itself and target the assessment to impacts on the wider RHA. Clauses (viii), (ix) and (d) are not relevant.</li> <li>• Delete references to heritage areas in Policy 9.3.2.2.3, 9.3.2.2.5, and 9.3.2.2.8. If required, target the policies to impacts on values of the area and not of the individual building.</li> <li>• Even in RHAs, need to be able to make improvements that enhance sustainability e.g. solar panels, water capture tanks, double glazing, without requiring consent or using heritage builders. Houses on corners will be disadvantaged due to having two sides which can be seen from the road.</li> <li>• Review RHA rule drafting to see if a more nuanced approach is appropriate e.g. re satellite dishes and skylights. Support regulation of fences.</li> </ul>
<p>11. Clarify how RHA rules will work/make minor amendments</p>	<ul style="list-style-type: none"> <li>• Interim protection for potential RHAs</li> <li>• Review RHAs at least every 30 years, or automatically remove them.</li> </ul>

so they work better.	<ul style="list-style-type: none"> <li>• Clear definition of “heritage” character of each RHA, so it is easy to determine whether or how a proposed development might meet such standards, e.g. for Lyttelton - HA7, not permit buildings to obstruct view of the water from first floor or above of other properties.</li> <li>• Seeks an effective means whereby any property within a heritage area may be developed, within reasonable limits defined by the area.</li> <li>• Public notification of consents on vacant sites e.g. 94-96 Chester St East.</li> <li>• Clarify if intrusive buildings within an RHA need to meet activity standards in 9.3.4.1.1. P2 – repairs to a heritage item or a building in a heritage area. Also does P3 apply re temporary buildings?</li> <li>• Update documentation for 21 Worcester Boulevard as it has been renovated. Clarify the status of heritage assessments if resource consents are granted for change.</li> </ul>
12. Question/oppose zoning in and around RHAs	<ul style="list-style-type: none"> <li>• Rezone high density zone between Chester Street East and Fitzgerald Ave to Residential Heritage Area. [address adverse aesthetic effects of HRZ.]</li> </ul>
13. Other miscellaneous RHA related submissions e.g. provide economic incentives or compensation	<ul style="list-style-type: none"> <li>• Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation. Cost of resource consent assessment for new developments in RHAs to be borne by CCC. Council should fund proper management of the RHAs so that amenity is maintained.</li> <li>• Support [Policy 9.3.2.2.10 on] incentives and assistance for historic heritage [in relation to RHAs and maintenance and repair costs]</li> </ul>

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

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

- i. Matters raised by submitters;
- ii. Assessment;
- iii. Summary of recommendations. The specific recommendations are in **Appendix D**.
- iv. Section 32AA evaluation where necessary.

7.1.11 Following discussion and evaluation of the submissions and further submissions, the names of submitters and recommendations on their submissions within or at the end of the discussion, are

typed in bold within this report. My recommendation on each submission and a summary of reasons are also shown in a table format in **Appendix D – Table of Submissions with Recommendations and Reasons**, attached to this report. I note that due to the number of submission points, my evaluation of some of the submissions is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally.

- 7.1.12 As a result of consideration of submissions, for the reasons discussed below I recommend some amendments to the District Plan provisions. I have provided a consolidated ‘track changes’ versions of the Residential Heritage Area provisions with my recommended amendments in response to submissions as Appendix B. In **Appendix B**:
- The operative District Plan text is shown as normal text.
  - Amendments proposed by PC13 as notified are shown as bold underlined text in black or bold strikethrough text in black.
  - Any text recommended to be added by this report will be shown as purple bold underlined text and that to be deleted as purple bold strikethrough text.
  - Text in green denotes existing defined expressions and in bold green underlined shows proposed new definitions.
  - Text in blue represents cross-reference jump links to other provisions in e-plan.
- 7.1.13 Section 32 of the Act requires the Council to carry out an evaluation of PC13 to examine the extent to which relevant objectives are the most appropriate way to achieve the purpose of the Act, and whether, having regard to their efficiency and effectiveness, the related policies, rules, or other methods are the most appropriate for achieving the objectives.
- 7.1.14 All of the provisions proposed in PC13 have already been considered in terms of section 32 of the Act (s32). Where amendments to PC13 are recommended, I have specifically considered the obligations arising under section 32AA (s32AA) (refer to section 9 / **Appendix A**) and undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
- 7.1.15 The evaluation of submissions provided in this section 42A report should be read in conjunction with the summaries of submissions and further submissions, and the submissions themselves as well as the following appendices:
- i. **Appendix A** - S32AA Evaluation where minor changes are proposed
  - ii. **Appendix B** – Recommended Amendments to the Residential Heritage Area provisions
  - iii. **Appendix C** - Recommended Amendments to the Residential Heritage Area maps
  - iv. **Appendix D** – Recommended Responses to Submissions and Further Submissions on Residential Heritage Areas.
  - v. **Appendix E** – Key features of Heritage Area provisions in Other District Plans in NZ.



- vi. **Appendix F** – Criteria for Identifying Residential Heritage Areas vs Character Areas.

7.1.16 This report addresses submissions on definitions that are specific to the Residential Heritage Area provisions in PC13, under both Issues 3 and 10.

## 8 ANALYSIS OF SUBMISSIONS AND FURTHER SUBMISSIONS

### 8.1 ISSUE 1 – CHESTER STREET/DAWSON STREET RHA

Sub. No.	Submitter name	Summary of relief sought	Further Submissions (see App D)	Recommendation
S22.1, S22.2	Peter Beck	Extend the Chester Street East Residential Heritage Area to cover the entire street.		Reject
S57.1, S57.4	Debbie Smith	Seeks that the entirety of Chester Street East be included as a Residential Heritage Area.		Reject
S281.2	Mary Crowe	Chester Street East should receive heritage protection zoning for the whole length of the street.		Reject
S842.48,	Fire and Emergency NZ	Request that the boundaries of RHA 2 are reduced to exclude the Fire and Emergency City Station site at 91 Chester Street East.		Accept in part
S842.75-.77, S842.79, S842.81, S842.82	Fire and Emergency NZ	Ensure that 91 Chester Street East is not subject to these RHA rules		Accept in part
S1001.1, S1001.2	Kirsten Rupp	All of Chester Street East be included in the Residential Heritage Area.		Reject
S1002.1, S1002.3	Keith Patterson	The section of Kilmore St west of Dawson St to Barbadoes St to be included in the Chester St/ Dawson Lane Residential Heritage Area.		Reject
S1007.1	Ian Shaw	Add the following areas to the Chester St heritage area:  1: The area East of Dorset [Dawson] Street to Fitzgerald Avenue.  2. The properties located on Kilmore Street that adjoin the heritage area of Chester Street East, e.g.: the North boundaries of 129, 131 and 133 Chester Street		Reject Reject

S1013.1, S1013.2	Simon Adamson and Judith Hudson	That Chester St East be included in the Chester Street Residential Heritage Area		Reject
S1014.1- S.1014.3	Susan Parle	That Chester St East be included in the Chester St Residential Heritage Area		1. Reject
S1015.1, S1015.2	Mary Crowe	The entirety of Chester Street East should be included in the Residential Heritage Area.		Reject
S1016.1	Waipapa Papanui- Innes-Central Community Board	The entire area or whole street from Chester Street East to Fitzgerald Ave be included in the Residential Heritage Area.		Reject
S1022.1, S1022.2	Bosco Peters	That Council recognises the whole of Chester Street East as having special heritage character, and Include it in Appendix 9.3.7.3		Reject
S1052.3, S1052.4	Oxford Terrace Baptist Church	The whole of Chester Street East be included in the Residential Heritage Area.		Reject

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

- 8.1.4 Dr McEwan acknowledges, as I do, that it is understandable for the community to want the whole street to be included. However RHAs are not defined on the basis of community, but rather on significant historic values.
- 8.1.5 Dr McEwan concludes that it is not necessary for the former Wards Brewery site to be included in the RHA as some of the buildings on the site are already scheduled, and the setting includes all of the buildings on the site. However, she does note that the cottages at 341, 345 and 347 Barbadoes Street meet the criteria for an extension to the RHA. No submission sought their inclusion.
- 8.1.6 With respect to the submission by FENZ, Dr McEwan recommends that the proposed RHA boundary line, which only includes a portion of the site, be shifted south to only include an approximately 5 metre strip along the southern frontage of the site. This would provide a setback, currently occupied by trees and grass, for any future development on this part of the FENZ property. FENZ indicates that such development would be likely to involve single storey buildings. Dr McEwan considers that including this 5m strip in the RHA would be in sympathy with the heritage values of the area. A map of the proposed revised boundary of the RHA on this site is shown in **Appendix C**.
- 8.1.7 In my opinion this is an appropriate response to the submitter's concerns and represents a considerable reduction on the area first proposed to be included in the RHA. I do note, however, that there is no certainty that the submitter would retain the strip which is outside the current security fence, in trees and grass. There would be no imperative to remove this vegetation for access reasons if there remains only one entrance into the site from Chester Street East. However there would also be no imperative for future buildings to be setback 5 metres. Currently the minimum building setback from the road frontage in what is now a high density residential zone (HRZ) is 1.5m. (Rule 14A.6.2.3 Setbacks). Removal of the trees and grass could occur without any Council assessment, but redevelopment up to 1.5m from the road boundary would trigger resource consent under Rule 9.3.4.1.3. RD6, and could in my opinion, compromise the intent of keeping a 5m strip along the southern boundary of the site.
- 8.1.8 Dr McEwan has in her paragraph 58, suggested that three cottages on Barbadoes Street outside of the notified area, could be included in the RHA as one defining and two contributory properties, even though there is no submission to that effect. Unfortunately there may not be scope in the submissions made to do this.

### **Recommendation**

- 8.1.9 On the basis of the evidence of Dr McEwan, I recommend that submissions **S22.1, S22.2, S57.1, S57.4, S281.2, S1001.1, S1001.2, S1002.1, S1002.2, S1007.1, S1013.1, S1013.2, S1014.1-S1014.3, S1015.1, S1015.2, S1016.1, S1022.1, S1022.2, S1052.3 and S1052.4** be **rejected**.

- 8.1.10 I recommend that submission points **S842.48, S842.75 -S842.77, S842.79, S842.81, and S842.82** are partly accepted, in that the extent of inclusion of the FENZ site at 91 Chester St East be reduced to 5m from the road boundary of the site (i.e. the inner edge of the footpath) as shown in **Appendix C**.

## 8.2 ISSUE 2 – MACMILLAN AVENUE RHA

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

- 8.2.1 S1027.1 and S1027.2 seek to remove 20 Macmillan Avenue from the proposed RHA, as the submitter considers the property no longer meets the heritage area criteria. Dr McEwan does not agree with this view, on the basis of the historic subdivision that underpins the historic, architectural and contextual heritage values of the area, and maintains her view that this property should be included in the RHA.
- 8.2.2 Part of the concern in this submission is that the RHA boundary splits two titles (20 and 20A to the rear which the Rutherfords also own), which they say could create problems for a future subdivision or boundary adjustment. I add my own planning view to that of Dr McEwan, that this is not necessarily an issue, as the RHA is not a zone but rather an overlay. In the Macmillan RHA or outside of it the minimum net site area for subdivision is 650m<sup>2</sup> in the current Residential Hills zone, or in the MRZ zone, there is no minimum net site area if there is already a house on the overall site. If the RH zone standard is met for no. 20, a minor boundary adjustment (Rule 8.5.1.2

C1 in the Residential Hills zone) should be straightforward. Equally a boundary adjustment in the MRZ zone - (Rule 8.5.1.2 C1A in the MRZ zone) should also be straight forward.

8.2.3 For S1079, in the current Plan the part of 35 Macmillan Avenue closest to Macmillan Avenue and including the house is included in Character Area 3, even though 35 Macmillan Avenue is not included in the proposed Residential Heritage Area. Character Areas are different to Residential Heritage Areas, as explained in paragraph 6.1.4 and 6.1.5 of this report. See also **Appendix F**.

8.2.4 In regard to S1079.2, Dr McEwan notes that is not usual practice to delineate the homes of iconic citizens in District Plans, unless those properties are included in the Schedule of Historic Heritage at Appendix 9.3.7.2 of the District Plan. Both Rise Cottage and Ngaio Marsh House are included in that schedule.

### Recommendation

8.2.5 On the basis of the discussion above I recommend that **S1027.1, S1027.2 and S1079.1** be rejected, and **S1079.2** be partly accepted, as the properties cited (Rise Cottage and Ngaio Marsh House) are already included in Schedule 9.3.7.2.

## 8.3 ISSUE 3 – INNER CITY WEST RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S699.1, S699.7 [identification of RHA only]; S1060.1	Christ's College	Delete the RHA from the following properties: <ul style="list-style-type: none"> <li>• Armagh Street – Numbers 6, 14, 16, 20 and 22</li> <li>• Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19</li> <li>• Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave.</li> </ul>		Reject
S823.9	Catholic Diocese of Christchurch	Definition of 'Contributory Building'. Delete.		Reject

S823.11	Catholic Diocese of Christchurch	Definition 'Defining building'. Delete		Reject
S823.212	Catholic Diocese of Christchurch	Delete the definition of building or site'.		Reject
S823.213	Catholic Diocese of Christchurch	Delete the definition of building or site'.		Reject
S824.21, S1080.21	Carter Group Limited	Oppose the definition for Contributory Building. Seek that this is deleted.		Reject
S824.23, S1080.23	Carter Group Limited	Oppose definition of Defining Building. Seek that it is deleted.		Reject
S824.37, S1080.37	Carter Group Limited	Oppose definition of Intrusive building or site. Seek that it is deleted.		Reject
S824.38, S1080.38	Carter Group Limited	Oppose definition for Neutral building or site. Seek that it is deleted.		Reject
S824.1, S824.24, S1080.15, S1080.24	Carter Group Limited	Oppose changes to the definitions of alterations and demolition to add reference to "heritage areas".		Reject
S1075.1	Diana Shand	Supports the Inner West Residential Heritage Area and seeks that Cranmer Square be included in the Inner City West Residential Heritage Area.		Reject
S1075.5 [part, heritage perspective only]	Diana Shand	Seek that the Commercial use be confined to Oxford Terrace and that the Medium Density Zone should extend south from 59 Gloucester Street in a direct line south to the River at 75 Cambridge Terrace, displacing the Mixed Use Zone.		Reject

S1061.3, S1061.4	Elizabeth Harris and John Harris	Seeks that the Inner City West Residential Heritage Area overlay is removed from 31 Cashel Street and other sites on Cashel Street		Reject
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- 8.3.1 In respect to S699.1 and S699.7 by Christs College, Dr Ann McEwan states that the properties in question make a significant contribution to the heritage values of the area and exclusion of these properties from the RHA would be inconsistent with the heritage methodology and criteria applied here and elsewhere by the Council. Other points in this submission are dealt with under Issue 8(E) below, including the fact that Christs College has a certificate of compliance for demolition of all of their buildings to the east of Rolleston Avenue.
- 8.3.2 The Inner City West RHA has been reduced in extent by the Council’s exclusion of the whole of the site at 32 Armagh Street as of 11 December 2024. This follows Dr McEwan’s earlier view that the vacant carpark portion of this site could be excluded from the RHA, but goes further to exclude the “blue cottage” (which was descheduled via PC14 decisions in September 2024) and former Girls High School tuckshop and changing rooms, the latter of which has a consent to demolish.
- 8.3.3 Reconsideration of the 32 Armagh Street site has also led to reconsideration of a similar mapping situation at the other end of this RHA, at the YMCA site between Hereford Street and Cashel Street. This property was mistakenly shown as entirely “defining” in the notified contributions map, based on the defining rating of the house at 7 Cashel Street which formerly accommodated “Doctors on Cashel”. The YMCA tower block should have been shown as “intrusive” and the gym and recreation facility building on Hereford St adjoining it should have been shown as “neutral”, both in accordance with the Inner City West heritage report. The “defining” house was demolished as part of the recent redevelopment of the overall YMCA site. Dr McEwan is now of the view that the whole YMCA property should be taken out of the RHA.
- 8.3.4 There is no submission seeking change to the proposed RHA provisions as they specifically affect the YMCA, but I consider that these changes are within the scope of the submissions made on this area as a whole, e.g. there are submissions seeking deletion of this whole RHA, and I consider they would assist with accuracy and consistency of the provisions.
- 8.3.5 I deal with the definitions of defining, contributory, neutral and intrusive buildings in RHAs in this section, rather than in later sections more specifically about provisions, because both the Carter Group and Catholic Diocese submissions challenged the definitions of these four categories, on the grounds of vagueness and uncertainty. The Carter Group submission on these points was made in the context of the Inner City West RHA. Also, these are questions that are primarily covered in the Dr McEwan’s evidence rather than my own.

- 8.3.6 Both submitters oppose all aspects of RHAs. However, each property has been given a contribution rating and this categorisation is mapped in Appendix 9.3.7.7 of the District Plan, with the categories for each property listed in the overall heritage reports for each area, which will be linked from Appendix 9.3.7.4. Without definitions the ratings would be vague, offering no direction to owners or the Council as to the heritage values of the area. There is no uncertainty as to which category each property has been assigned to.
- 8.3.7 Dr McEwan states at her paragraph 32 that the purpose of this categorisation is firstly to establish whether a potential area includes a sufficient number of Defining and Contributory buildings to embody significant heritage values and, secondly, to provide the basis for the planning provisions which facilitate the ongoing protection of heritage values from inappropriate subdivision, use and development. I touch on this issue under Issue 10(A) below, where I note that removal of these categories would disable the RHA concept.
- 8.3.8 S1063 by Elizabeth and John Harris seeks to remove 31 Cashel Street from the RHA or to remove all sites on Cashel Street from the RHA. Dr Ann McEwan states that that she determined the boundary for the RHA on the basis of the presence of significant historic, architectural and contextual heritage values, and she does not consider that the boundary should be adjusted to remove the Cashel Street properties from the area. I note that the property at 31 Cashel Street has been ranked by Dr McEwan as defining.
- 8.3.9 S1075 by Diana Shand supports the Inner City West RHA and seeks that Cranmer Square be included in it. Dr McEwan does not agree that it should be, as she says Cranmer Square is not integral to the heritage values of the Inner City West RHA. The Square is a scheduled heritage item of high significance on its own, in Appendix 9.3.7.2 of the District Plan. Ms Shand has also suggested a rezoning of the western part of the blocks east of Montreal Street between Gloucester St and Cambridge Terrace near the river, from Central City Business to Medium Density Residential zone, partly on the basis of the heritage values of the wider area.
- 8.3.10 There is already a small area of residential zoning to the immediate east of Montreal Street and north of Gloucester Street which has been rezoned as High Density Residential under PC14 decisions to date, but the blocks the submitter is referring to have remained zoned as Central City zone (previously Central City Business zone.) Dr McEwan has however (her paragraph 83) stated that she does not believe that the block the submitter described embodies collective heritage value or that a rezoning from CC/CCB to residential would have a demonstrable impact on the heritage values of the RHA. I agree with this assessment.

### **Recommendation**



- 8.3.11 On the basis of the discussion above, I recommend that all submissions under this topic be rejected. This means **S699.1, S699.7; S823.9, S823.11, S823.212, S823.213, S823.228, S824.21, S824.23, S824.37, S824.38, S1061.3, S1061.4, S1075.1** and part of **S1075.5**.

#### 8.4 ISSUE 4 – CHURCH PROPERTY TRUSTEES /NORTH ST ALBANS (1923 SUBDIVISION) RHA

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

- 8.4.1 S135.2 and S1003.7 effectively seek the same outcome as each other, which is the removal of the CPT/North St Albans Heritage Area, so that only the current Character Area also covering most of this area would apply. Dr McEwan says that based on the historic heritage values identified and described in the RHA report, she considers that the area demonstrates significant historic heritage values and therefore merits scheduling as an RHA. She also says that this area has a high level of authenticity and integrity.
- 8.4.2 With regard to 48 Malvern Street, the submitter's property, the submitter argues that considerable modification to it means that it would be better classified as a neutral rather than defining building. Dr McEwan disagrees, and states that the alterations and additions that are currently being undertaken lead her to recommend a revised categorisation of 48 Malvern Street to 'Contributory'.
- 8.4.3 Other points made in this submission are discussed elsewhere in this report, in particular under Issue 10.
- 8.4.4 There are also several further submissions relating to this area, which are made in support of submissions opposing RHAs generally, and these are covered under Issue 8, where these primary submissions are discussed. Notably, there are further submissions from the Canterbury Rugby Football Union, FS101 and FS98, which support submissions from Carter Group S824 and Kainga Ora S834, and under these submissions, the CRFU puts forward the view that the CPT/North St Albans RHA does not have heritage values and should be deleted, or at least the submitters properties, being Rugby Park and their residential properties at 6 & 12 Malvern Street should be deleted. No heritage evidence was provided with the further submission.

- 8.4.5 Dr McEwan states at her paragraph 75 that the development history of the park is integral to the history and heritage significance of the RHA.
- 8.4.6 From a planning perspective I note that there is a statement in 2.7 of the Further Submission that “ it is concerning that this new RHA overlay proposes to control Rugby Park, and open space sports facility, in the same manner as a housing subdivision”.
- 8.4.7 This statement is incorrect. The rules in 9.3.4.1.3 RD6 and RD7 only refer to buildings, fences and walls. The rules for RHAs have no effect on parks within their identified boundaries, unless there is a proposal to put a new building on the park. New buildings will be considered under the heritage matters of discretion, to be consistent with the context. Because there is a zoning underneath the RHA overlay in each case, this zoning will also manage use of the park. Rugby Park has an Open Space Metropolitan Facilities zone, and residential units are only permitted at one per site if they are existing or for caretaker and site management purposes.

### Recommendation

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

## 8.5 ISSUE 5 – SHELLEY/FORBES RHA

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

- 8.5.1 S1005.3 suggests that 10 Shelley Street, which has been recently renovated, ought to be classified as a defining building, as it is so similar to 9 Shelley Street (rated as defining) that they appear to be a matching pair. Dr McEwan however maintains her view (her paragraph 102) that the building at 10 Shelley Street should be rated as contributory, because the modifications made to the house, including its plaster stucco cladding, veranda and replacement fenestration, all remain in situ.
- 8.5.2 S1040.1 and S1040.2 oppose the inclusion of Forbes Street in the RHA on the grounds that there is little genuine heritage left in the street. Dr McEwan however does consider that the street

merits inclusion, (her paragraph 103) despite a recent two storey development which she recommends be downgraded from a contributory to an intrusive categorisation.

### Recommendation

- 8.5.3 On the basis of Dr McEwan’s advice I recommend that submissions **S1005.3, S1040.1** and **S1040.2** be **rejected**, and that **S1005.2** be **accepted**.

## 8.6 ISSUE 6 –LYTTELTON RHA

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S289.3, S289.4	Cody Cooper	Remove Lyttelton as a heritage area and instead pick a specific street or smaller area to designate as heritage.		Partly accept
S1078.1, S1078.2	Julie Villard	Oppose the extent of the Lyttelton Residential Heritage Area. [more specific points on limiting the RHA to defining and contributory buildings, discussed under Issue 10].		Accept
S1083.1, S1083.2	Lyttelton Port Company	Supports the extent of the Lyttelton Residential Heritage Area as notified, as it excludes port land and non-residential land with port infrastructure.		Accept

- 8.6.1 In respect of the first two submissions, Dr McEwan states that as at notification, this RHA gave effect to the Heritage New Zealand Pouhere Taonga (HNZPT) registration of Lyttelton as an “historic area”, in the context of the Council’s own understanding of the importance of Lyttelton as a port town. As noted in the section 32 for PC13 (paragraph 2.2.54), the Lyttelton Residential Heritage Area as notified differs from the HNZPT Historic Area covering most of the township by excluding the commercial industrial and port zonings within the town. In addition the more recent development at the uphill ends of many streets was excluded from the RHA as not having heritage significance.
- 8.6.2 On 11 December 2024, Council decided to withdraw parts of Plan Change 13, as has been described in earlier sections of this report e.g. section 1.1.2. At the same time there was a resolution by Council seeking that staff investigate a reduction in the extent of the Lyttelton Residential Heritage Area and report to Council separately on the outcome of this investigation ahead of the PC13 hearing. Staff commissioned additional work by Dr McEwan to investigate the potential for a reduction in this RHA’s extent, by reviewing her earlier site by site assessments on Lyttelton.
- 8.6.3 A report to Council on 16 April 2025, describes the result of that further investigation, which was that Dr McEwan identified six further clusters of houses on the periphery of the RHA to the

southwest and northwest, making a total of 72 properties she considered could be excluded from the RHA without having a major impact on the heritage values of the area as a whole. Her report is appended to the Council agenda item. Staff recommended an additional two properties be excluded at upper Voelas Road, to assist in facilitating the proposed papakāinga development on this site.

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- 8.6.4 On 16 April 2025, when considering this report, Council accepted these recommendations and voted to add four further properties to the 74 recommended to be excluded by staff. These were on Cressy Terrace, making a total of 78 properties being removed from the Lyttelton RHA. This removal was made effective via public notices on 26 April in the Press, and on 1 and 2 May in two local newspapers. The updated maps on the PC13 webpage now exclude the 78 properties from the Lyttelton RHA.
- 8.6.5 In preparing her evidence to this hearing, Dr McEwan reviewed the status of the properties in all the RHAs, and has identified another 24 properties in two further clusters on Bridle Path and Dudley Road which could be removed from the RHA. These were mainly classified as neutral in the RHA as notified. If this recommendation is accepted, this would make a total of 102 properties being removed from the RHA as notified.
- 8.6.6 The extent and location of the reduction sought by two of the submitters on this RHA was not specified by either.

#### **Recommendation**

- 8.6.7 I recommend that **S289.1**, and **S289.2** be **partly accepted** to the extent that a reduction in extent of the Lyttelton RHA has occurred since notification (accepting that this reduction does not necessarily correspond with the extent and location of the reduction sought by these submitters), and that **S1078.1**, **S1078.2**, **S1083.1** and **S1083.2** be **accepted**.

#### **8.7 ISSUE 7 – REQUESTED ADDITIONAL RHAS**

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S37	Suzanne Trim [Body of submission]	Mary Street and Rayburn Avenue in Papanui are more appropriate than Heaton St to be an RHA		Reject

S206.1	Emma Wheeler	[New Residential Heritage Area] Make both St James Avenue and Windermere Road category 1 Streets, protecting both the plaques, trees and the people that already enjoy and use these streets		Reject
S329.3, S329.4	Dominic Mahoney	Perry Street should not be zoned for high density residential development on the basis of its historical heritage nature		Reject
S709.3	P Tucker and C Winefield	Windermere Road properties should be in an RHA, with protection extended to the street and housing.		Reject
S734.1, S734.2, S1063.1, S1063.2	Marie Byrne	Seeks that the Medium Density Residential area in Phillipstown Cashel Street to Ferry Road, Bordesley Street to Nursery Road be considered for a heritage area.		Reject
S741.3, S741.4	Susan Bye for Lower Cashmere Residents Association	Make Cashmere View Street a heritage street.		Reject
S755.4	Margaret Stewart	Add Woodville Street, St Albans		Reject
S1008.1 S1008.2	Mark Winter	Retain a heritage [and character status] for Beverley Street.		Reject
S1016.4	Waipapa Papanui-Innes-Central Community Board	Include Dover Street (original workers' cottages of historical significance) in schedule.		Reject
S1041.1- S1041.3	Ruth Morrison	Keep the area around Paparoa St, Dormer St, Rayburn Ave and Perry St as a heritage area		Reject
S1088.1- S1088.3	Anton Casutt	Seeks that Scott Street, Sydenham is added to a Residential Heritage Area [or Character Area].		Reject
S1090.1	Waipuna Halswell	Supports the Residential Heritage Areas but seeks that additional areas of		Reject

	Hornby Riccarton Community Board	Hornby, South Hornby, Sockburn, Hei Hei, Islington, and Broomfield be considered.		
S1090.6	Waipuna Halswell Hornby Riccarton Community Board	Seeks a much larger Riccarton Heritage setting from Mona Vale to the Britten stables and war memorial at Jane Deans Close.		Reject
S1091.1, S1091.2	Rosie Linterman	Seek that Beverley Street be included as a Residential Heritage Area.		Reject

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

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

### Recommendation

8.7.3 On the basis of advice from Dr McEwan, I recommend that all of the submissions in the table above be rejected. Therefore **S37, S206.1, S329.3, S329.4, S709.3, S734.1, S734.2, S741.3, s741.4, S755.4, S1008.1, S1008.2, S1016.4, S1041.1- S1041.3, S1063.1, S1063.2, S1088.1-S1088.3, S1090.1, S1090.6, S1091.1 and S1091.2, and S1094.3** should be rejected.

## 8.8 ISSUE 8 – OPPOSITION TO THE CONCEPT OF RHAS, OR TO THE NUMBER OF RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S191.1, S191.2	Logan Brunner	That proposed Residential Heritage Areas are removed		Reject
S699.1, S699.8, S699.10; S1060.1, S1060.8, S1060.10 [RHA provisions]	Christs College	<p>Delete Residential Heritage Area from the following properties:</p> <ul style="list-style-type: none"> <li>• Armagh Street – Numbers 6, 14, 16, 20 and 22</li> <li>• Gloucester Street – Numbers 4, 6, 8, 13, 14 and 19</li> </ul> <p>Rolleston Avenue – Numbers 54, 64 and 72 (excluding the Heritage Items and Setting 267 at 64 Rolleston Ave).</p> <p>The school holds a certificate of compliance for demolition of all of its buildings east of Rolleston Avenue.</p>		Reject.
S743.4	Matthew Gibbons	No new heritage areas should be allowed as they restrict development in parts of Christchurch where people want to live. A good rule would be that for every house added to a heritage area another is removed.		Reject
S823.83 (part), S823.131 – S823.135, S823.216 – S823.219, S823.221, S823.222, S823.225– S823.227, S823.231– S823.233	Catholic Diocese of Christchurch	Oppose all policies, rules, schedules and maps relating to RHAs, and seek their deletion.		Reject
S824.110, S824.111, S824.113, S824.114, S824.115, S824.118, S824.120, S824.121, S824.125; S1080 point nos. the same as for S824.	Carter Group Ltd	Oppose all policies, rules, schedules and maps relating to RHAs, and seek their deletion. This includes opposing Policy 9.3.2.2.2 on identification, assessment and scheduling of heritage areas, Policy 9.3.2.2.5 on ongoing use, Policy 9.3.2.2.8 on demolition, Rules RD6 and RD7 for RHAs, and matters of discretion for RHAs in 9.3.6.4 and 9.3.6.5.		Reject overall, but partly accept in regard to demolition policy and matters of discretion.

S834.333 (part), S1093.333	Kainga Ora	Oppose Residential Heritage Areas in their entirety		Reject overall, but partly accept in regard to demolition policy, and alterations to neutral and intrusive buildings (see Issue 10 for the latter).
S834.334, S1093.334	Kainga Ora	Oppose Residential Heritage Area provisions contained in section 9.3.6.4 (Matters of discretion)		Reject
S834.335, S1093.335	Kainga Ora	Oppose Residential Heritage Areas as listed in Appendix 9.3.7.3		Reject
S834.337, S1093.337	Kainga Ora	Oppose the assessments supporting the identification of RHAs as they predominantly focus on physical built form, and do not have sufficient consideration of historical values associated with the place		Reject
S1009.1- S1009.3	Richard Abbey- Nesbit	The submitter supports limitation of heritage areas to those that genuinely possess a consistent style of built environment that is unique to the area		Reject
S1025.1, S1025.2	Kristin Mokes	Reconsider adding so many more heritage sites - especially [in the] suburbs.		Reject
S1030.1, S1030.2	Paul Mollard	Remove any reference to residential heritage areas and make those areas subject to the same development rules as the rest of the city .		Reject
S1033.1- S1033.3	Sam Spekreijse	Oppose all heritage overlays for residential heritage areas.		Reject
S1038.1	Peter Earl	Oppose all heritage areas.		Reject



S1048.1-S1048.16, S1048.19-S1048.36	Cameron Matthews	Strike out all rules or parts of rules as they relate to Residential Heritage Areas.		Reject
S1069.1, S1069.2	Keri Whaitiri	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes		Reject
S1069.3	Keri Whaitiri	Seeks that the full implications of the new 'Residential Heritage Areas' are disclosed and that these do not exceed the current provisions of the 'Residential Character Areas'		Reject
S1070.2	Danny Whiting [with regard to RHAs]	Delete/reject proposed amendments to definitions, policies, rules and assessment matters in PC13 and retain the status quo in respect of these provisions.		Reject
S1071.1, S1072.3, 1073.2	Peebles Group Limited, Richard and Suzanne Peebles and 181 High Limited	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.		Reject
S1085.3	Duncans Lane Limited	Delete/reject proposed amendments to definitions, policies, rules and assessment matters as they relate to heritage and retain the status quo in respect of these provisions.		Reject

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

- a. RHAs do not appear to have any unique or distinguishing features, and they lack a strong evidence base. They impose arbitrary design [and density] restrictions and will prevent growth and change in their areas.
- b. Oppose amendments to heritage (policies and) RHA rules generally, since they represent greater regulation and resource consent requirements, and are inconsistent with Strategic Objective 3.3.2 on minimising consent processes, and Heritage Objective 9.3.2.1.1, which seeks to enable and support: 'A. the ongoing retention, use and adaptive re-use; and B. the maintenance, repair, upgrade, restoration and reconstruction; of historic heritage'.
- c. RHAs do not meet the requirement of s6(f) to be of national significance, and Council has conflated special character and heritage.

- d. An RHA overlay over Christs College is inconsistent with the SP School zone.
- e. RHAs are based on colonial heritage values and come from a position of privilege and bias.

## 8.9 ISSUE 8(A): RHAS DO NOT HAVE ANY UNIQUE FEATURES

- 8.9.1 I do not agree with or accept the view that RHAs do not appear to have any distinguishing features. The background heritage reports describe these distinguishing features. All of the RHAs have strong heritage values associated with them, and they have been carefully identified based on the criteria set out in paragraph 6.1.8. Most of them are relatively small in extent. A large number of potential RHAs were discounted as not being sufficiently coherent and intact, so that those that remain are in fact significant examples of our City's residential history.
- 8.9.2 It is important to consider RHAs in the NZ context, where as I have already noted, there is always variability in housing age and design within small areas. I consider that this variability is associated with the small, often relatively narrow and rectangular sites that we usually have, and the fact that in older areas of our cities there are very few areas which were developed in a very similar style, and/or at the scale of whole blocks, as often occurs in the UK with rows of attached dwellings.
- 8.9.3 Provision for the protection of historic areas from inappropriate subdivision and development has however existed in section 6 of the RMA for some decades, and there are a few local authorities that have had heritage areas in their District Plans for some time, particularly where there is perhaps less development pressure eg Thames-Coromandel District Council and Whanganui District Council. More recently heritage areas have been proposed by several other Councils in response to government intensification requirements; these still need to meet the qualifying matters tests in section 77 of the RMA. Some Councils are on their second version of heritage provisions, proposed as RMA plan changes.
- 8.9.4 **Appendix E** to this report provides information on the historic heritage area provisions of 14 other Councils in New Zealand, which indicates that Christchurch is by no means unique in defining these areas and proposing rules intended to protect the heritage values of these areas.
- 8.9.5 As noted above, "arbitrary design and density restrictions" (in a submitter's words, although in fact these were drawn from the areas concerned) in terms of built form and density rules which differ from the underlying zone standards, have been withdrawn from PC13, leaving only a restricted discretionary consent for demolition, new buildings, and alterations and additions. Although an RD consent might be considered to effectively be a design restriction, Council's discretion is limited to the matters set out in Rule 9.3.6.4. These will be discussed further below. It is important to appreciate that a restricted discretionary activity consent does not necessarily prevent change. For restricted discretionary consents generally, i.e. consents for all reasons and

not just those in residential heritage areas, very few are in fact declined by Council - generally less than 1%. (See Footnote 7 on p22).

- 8.9.6 For restricted discretionary consents in residential heritage areas, all consents to date for additions and alterations have been granted, often subject to conditions, with the consent process entailing some negotiation over how best to enable change, while still being sensitive to the heritage values of the area.
- 8.9.7 As noted above, the most contentious consents have been those where demolition is proposed. I discuss the question of demolition and rebuilding in more detail in Issue 10(C) following, noting that it goes to the core of the RHA concept and its reasonableness or not.

## 8.10 ISSUE 8 (B): RHAS REPRESENT GREATER REGULATION

- 8.10.1 The principle of minimising consent processes is sound, but the argument that this should be done in every situation is an oversimplification. In the District Plan review over the period 2014 -2017, considerable simplification did occur, for example through the addition of many more permitted activities (albeit with some standards), and most consent activity statuses were reduced to restricted discretionary. However there were also new regulation and consent requirements introduced where merited, and in response to changing circumstances such as in respect of natural hazards. In the context of heritage with the extensive loss of heritage that occurred in the Canterbury earthquakes, there is an argument (for example, reflected in Council's adopted "Our Heritage, Our Taonga Heritage Strategy (2019-2029)") that what is left is relatively more significant than previously. In my view this does apply to residential heritage areas, since so many potential areas have already had their heritage values eroded.
- 8.10.2 In respect of Objective 9.3.2.1.1 Heritage, the objective is not just about facilitating use and reuse, restoration and reconstruction. The "trunk" part of the objective is about maintaining the overall contribution of historic heritage to the Christchurch District's character and identity through the "protection and conservation" of significant historic heritage. Many objectives contain several elements which must be considered together and they should be considered in their entirety.
- 8.10.3 Submission 824 and several others oppose all the changes to heritage policies which add wording into the policies to include heritage areas. These are Policy 9.3.2.2.2 on identification, assessment and scheduling of heritage areas, Policy 9.3.2.2.3 on management of historic heritage, Policy 9.3.2.2.5 on ongoing use, and Policy 9.3.2.2.8 on demolition. The rationale for changes to Policy 9.3.2.2.2 is set out in sections 5.4.3 and 6.2.2. The changes to policies on management and ongoing use of heritage focus on including defining and contributing buildings, since they are the ones of chief heritage interest, with these changes being essentially only consequential to

introducing RHAs into the subchapter. The changes to Policy 9.3.2.2.8 on demolition are discussed in more detail under Issue 10 (C) below, with recommendations for further changes to this policy which are within the scope of the submissions.

## 8.11 ISSUE 8(C): RHAS DO NOT MEET SECTION 6(F) AND CONFLATE CHARACTER AND HERITAGE

- 8.11.1 I do not agree that Plan Change 13 for Christchurch’s District Plan conflates special character and heritage as submitted in S877.6 and S877.7. I consider that “conflate” means merging two concepts into one. I explained in section 6 above how the two concepts have been deliberately separated in Christchurch, with separate RHAs and Character Areas being identified based on different criteria and assessments.
- 8.11.2 This is reflected in **Appendix F** where I summarise the way that assessment of the values of each type of area approaches the various values, for Christchurch. The first two criteria for RHAs, historical and social value and cultural and spiritual value, are both non-visual values and are notably absent from the criteria for Character Areas. However, it is necessary to have some remaining physical expression of heritage values for RHAs otherwise they would not be recognisable at all on the ground. This means that there is some similarity between some of these (equivalent) areas in terms of architectural and contextual values, but an historical lens is applied to these values for RHAs, eg for architectural values, the values being looked at are those associated with a particular style, period or designer, or design values. A convenient comment on the differences is that some character areas have no coherent e.g.story (eg Beckenham or Francis Character Areas) and some heritage areas do not have a particularly coherent ce.g.racter eg Macmillan Avenue. If the two were truly conflated these two sets of areas would match exactly or there would be only one set of areas.
- 8.11.3 During the development of RHAs and the review of Character Areas for PC14, consideration was given to whether in fact the two sets of areas could be merged into one set of areas, with a hybrid name. Many people confuse the two types of areas in the first place, as they limit their own consideration to visual values. My opinion is that merging the areas is unhelpful and would “muddy the waters” as to the different values; however, attempts were made to align the two in terms of proposed rules, for example as to built form. That IHP also examined whether there was any interplay between the two sets of areas, particularly in their information requests nos. 42 and 78 to Council following the hearings. Question 78 requested resource consent scenarios to illustrate what would happen processing-wise if both a Character Area and an RHA applied to a site. (See the following links, noting that the built form and interface rules for RHAs have since been withdrawn, and additional Character Areas proposed in PC14 were rejected):

[AP1DD11.PDF](#)

[Appendix-H1-H8-Response-to-question-42.pdf](#).

- 8.11.4 In **Appendix E** I provide summary information on key features of the heritage area provisions in other NZ district plans. I believe that there are varying degrees of “conflation” of character and heritage. I consider that part of the problem is the vague nature of the word “character”, and also the word “heritage” to some extent, although “historic heritage” is at least defined in the RMA. I consider that emphasis does needs to be put on RHAs being robustly identified on the basis of heritage values. Also, I observe that some of the examples in the table show that the local authorities themselves do not try to distinguish between character and heritage, for example the use of the terms “character contributing” and “non character contributing” buildings within heritage areas is certainly confusing.
- 8.11.5 It is not correct to state that RHAs have to be of national significance under section 6 (f) of the RMA. If that were the case in regard to heritage sites, Christchurch would not have any scheduled buildings or items over and above those listed by Heritage NZ and would not have maintained them in the schedule in the District Plan and preceding plans for decades. Historic heritage itself as a resource and the protection of this resource from inappropriate use is a matter of national importance, but I consider that it is legitimate for historic sites and areas to be identified on the basis of their regional or local significance (indeed, the Canterbury RPS requires in Objective 13.2.1 quoted in my paragraph 8.11.6 below, and in Policy 13.3.1, that this be the case). This is not to say that it is not important for the scheduling process both for items and areas to be robust and transparent, and for all scheduled items and areas to meet the identified criteria.
- 8.11.6 While s6(f) does not use the word “significant” which is found in some other section 6 matters of national importance, in effect the “inappropriate subdivision, use and development” part of s6(f) does mean that there should be some significance assessment. The current CRPS Objective 13.2.1 puts this well: “Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury’s distinctive character and sense of identity from inappropriate subdivision, use and development.” A heritage area of regional or local significance can still contribute to Canterbury’s distinctive character and sense of identity.
- 8.11.7 Representative and typical are other terms which have been used elsewhere to identify and describe RHAs as entities, but in my opinion these concepts do not add value over and above the word “significant”. In Christchurch’s case, I consider that the high threshold set by the assessment criteria for potential RHAs, means that those few which did meet that criteria, are effectively the best examples of possible RHAs, and indicate the residential environments which are of most heritage significance to the City.
- 8.11.8 PC13 proposes changes to the wording of Policy 9.3.2.2.2. which include a statement that heritage areas will be identified, assessed and scheduled on the basis of their significance to Christchurch District. This matches the existing wording of Policy 9.3.2.2.1 in regard to heritage

items being of significance. Dr McEwan does not consider however that it is necessary to rank the proposed RHAs against each other as highly significant or significant, as is often done for heritage items (this issue having been raised in relation to some other Councils heritage area provisions).

## 8.12 ISSUE 8 (D): AN RHA OVER CHRISTS COLLEGE PROPERTIES IS INAPPROPRIATE.

- 8.12.1 S699 states that having an RHA overlay over Christs College properties to the east of Rolleston Avenue is inconsistent with the SP School zone and its aim of enabling education providers to efficiently develop their land and buildings for education activities. I was the author of the Specific Purpose School zone subchapter in the operative District Plan, although there have been some changes to this chapter through PC14.
- 8.12.2 Christs College is the only school which has multiple properties in an RHA Overlay (Inner City West RHA), apart from Cathedral Grammar which has one property at 17 Armagh St in that same overlay. The submission identifies Christ's College's landholdings as including a large proportion of the two city blocks north of the Arts Centre. Dr McEwan's evidence states that the properties in question make a significant contribution to the heritage values of the area and exclusion of these properties from the RHA would be inconsistent with the Council's proposed heritage methodology and criteria. She also says that the school is directly associated with the heritage values of the RHA, and that the submitter's description of the RHA as featuring 'small detached Victorian dwellings' is not accurate and fails to take account of the variety of residential typologies throughout the RHA. I agree and do not consider that the predominant character of this RHA is small dwellings but rather large two storey dwellings, with some dwellings of more than two storeys, including the three storey Flower's House, the only college hostel outside of its main grounds.
- 8.12.3 Apart from this Flower's House, the School appears to have been able to adequately accommodate its spillover functions in the properties and dwellings it owns on this eastern side of Rolleston Avenue, without significant modification of these dwellings to date. I do acknowledge that this may not always be the case, and there may be a need at some point for some larger school buildings in this area.
- 8.12.4 The SP School zone was designed to allow some flexibility for growth and change in school buildings, and certainly the PC14 SP School zone provisions emphasise this by providing for considerable intensification potential within the High Density Residential zone. S699 supports HRZ zoning for the school properties east of Rolleston Avenue and this was the decision reached on this part of PC14, with the HRZ zoning now operative.
- 8.12.5 The submitter also opposes the proposed amendments to Policy 9.3.2.2.8 on demolition and states that this subjects buildings in heritage areas to the same tests as a listed item. I

acknowledge that over the years there has been considerable effort made by the school, and time and money spent in meeting heritage requirements for the main campus west of Rolleston Avenue, where many of the buildings are scheduled buildings because of their history and quality. The school has ultimately been able to redevelop several blocks on that campus, which I consider demonstrates that the rules for heritage items are effective in protecting heritage values while still enabling appropriate development to occur. I discuss the statement that buildings in RHAs are subject to the same tests as scheduled items under Issue 10(B) below, where I recommend some amendments to Rule 9.3.6.4 - Matters of Discretion for RHAs., and under Issue 10(C), I recommend some amendments to Rule 9.3.6.5 - Matters of Discretion for Demolition in RHAs.

- 8.12.6 Christs College’s submission S699 also points out that the school holds a certificate of compliance (CoC) for the demolition of all buildings across their land on the eastern side of Rolleston Av (excluding the two scheduled buildings) and argues that this is another reason that an RHA is not appropriate for their land. I accept that this CoC has the effect of a resource consent and protects the holders from the need to apply for resource consent to demolish any of their buildings within the RHA. I also accept that these CoCs form part of the 'permitted baseline' at the resource consent stage.
- 8.12.7 However, PC13 is a plan change process. My view remains, despite the CoC, that the identification of RHAs on the basis of collective heritage values and the assessment/ratings of buildings within them has little to do with the need for resource consents per se. Those apply at a later stage if demolition is proposed. In other words, I consider that existing buildings are either of sufficient heritage value to be rated as defining or contributory within a proposed RHA or they are not. If they are, then their contribution to the heritage values of the area cannot legitimately be undermined by the existence or otherwise of CoCs or consents.
- 8.12.8 That is because consents to demolish may or may not be implemented across all or part of the RHAs. Even if implemented, demolition of individual buildings may be some years into the future. In the meantime the sites and buildings in question continue to contribute to the collective heritage values and identity of these areas.
- 8.12.9 Part of the wording of Objective 13.6.2.1 for the SP School zone is quoted on p6 of the submission (“the zone seeks to enable education providers to efficiently use and develop their land and buildings for education activities”). The objective needs to be quoted in full however, as the outcome quoted needs to occur while “recognising and enhancing the contribution of education buildings and sites to the character of neighbourhoods”. Development of school sites within RHAs is intended to be controlled by Chapter 9.3 Historic Heritage, so it is intended that the built form standards in the HRZ zone are only a starting point or guide. The matters of discretion for assessing new buildings in RHAs are relatively extensive and should provide the ability to take account of varying circumstances. I do not consider that having the RHA applying

to school buildings is necessarily “inefficient”, as the school buildings on the eastern side of Rolleston Avenue do contribute significantly to the historic character of the neighbourhood, and restricted discretionary consents will not and to date have not, prevented all development and change.

### 8.13 ISSUE 8 (E): RHAS ARE BASED ON COLONIAL HERITAGE VALUES

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

#### Overall Recommendation for Issue 8

- 8.13.3 I recommend that all of the following submissions be **rejected**, for the reasons set out in the discussion above: **191.1 and S191.2, S699.1, S699.8, S699.10, S743.4, S823.83 (part), S823.131 – S823.135, S823.216- S823.219, S823.221, S823.222, S823.225 - S823.227, S823.231 - S823.233, S824.109, S824.110, S824.111, S824.113, S824.114, S824.115, S824.118, S824.120, S824.121, S824.125, S834.333, S834.334, S834.335, S1009.1 - S1009.3, S1025.1, S1025.2, S1030.1, S1030.2, S1033.1 - S1033.3, S1038.1, S1048.1 - S1048.16, S1048.19 - S1048.36, S1060.1, S1060.8, S1060.10, S1069.1 - S1069.3, S1070.2, S1071.1, S1072.3, S1073.2, S1080.110, S1080.111, S1080.113, S1080.114, S1080.115, S1080.118, S1080.120, S1080.121, S1080.125; S1085.3.**
- 8.13.4 I am not persuaded that it is necessary to change PC13’s approach to RHAs as a concept, or to delete particular RHAs such as Inner City West or Lyttelton.

## 9 ISSUE 9 – SUPPORT RHAS/SEEK MORE RHAS

Sub. No.	Submitter name	Summary of relief sought	Further submissions	Recommendation
S37.5, S37.6, S37.7	Suzanne Trim	Retain the proposed Residential Heritage Areas.		Accept
S145.18	Te Mana Ora/ Community and Public Health	Te Mana Ora supports the protection of Residential Heritage Areas and recognises the need to balance housing development with protecting areas of cultural heritage and identity.		Accept



S225.5	Michael Dore	The history, character and heritage of our city of Christchurch should be protected at all costs		Partly Accept, but not “at all costs”.
S404.1	Lawrence Kiesanowsk	Support plan change provisions to protect historic heritage areas.		Accept
S428.3	Sarah Wylie	Support the protection of heritage areas		Accept
S700.1- S700.3, S700.6	Hilary Talbot	[Re: Englefield Heritage Area] Support the creation of the Heritage Area [and the continuation of the character area] with more stringent controls		Accept
S737.4, S1086.5, S1086.6 , S1086.7	Christian Jordan	Further heritage areas need to be assessed and created across the city to protect Christchurch’s remaining built history.		Accept
S755.4, S1095.4	Margaret Stewart	Retain Heritage areas		Accept
S835.20 (part)	Historic Places Canterbury	The submitter welcomes the addition of [ 11] Residential Heritage areas		Accept
S885.3, S885.4, S885.6, S885.7	Peter Dyhrberg	Retain the proposed Residential Heritage Areas and rules relating to them		Accept
S1019.1, S1019.2	Julie Florkowski	Supports the Residential Heritage Areas of Otautahi, Christchurch (specifically, Alpha Avenue).		Accept
S1020.2, S1020.3	Chris Florkowski	Support Residential Heritage Areas of Otautahi, Christchurch, which deserve special protection.		Accept
S1026.1 (part)	Maxine Webb	The submitter supports the heritage areas as a qualifying matter and is of the view that they should have a wider extent to protect the character of Christchurch.		Accept
S1077.1	Waihoru Spreydon-Cashmere-Heathcote Community Board	Supports the addition of the MacMillan Avenue and Shelley/Forbes Street Residential Heritage Areas.		Accept
S1089.2	Christchurch Civic Trust	Support the Scheduled Highly Significant Englefield Lodge [in the context of the RHA]. [This topic is also mentioned in the evidence of Mrs Richmond]		Accept

9.1.1 A group of submissions supports the proposed RHAs. This is generally on the grounds, as expressed by Heritage NZ Pouhere Taonga, that “this will provide an important new layer of protection for these neighbourhoods with heritage values. Christchurch has a wealth of history

which plays an important role in generating a feeling of identity and wellbeing”. Te Mana Ora (Community and Public Health) supports the protection of Residential Heritage Areas but also “recognises the need to balance housing development with protecting areas of cultural heritage and identity”.

- 9.1.2 Some submissions seek that “further heritage areas need to be assessed and created across the city to protect Christchurch’s remaining built history”. 14 submissions making specific suggestions for where such further heritage areas should be, are discussed under Issue 7 above. One submission also states that “after a period of such great loss following the Christchurch earthquakes, far greater effort needs to be made to preserve the best of what remains”. Policy 9.3.2.2.11- Future Work Programme, in the operative District Plan, already commits Council to further identify and assess heritage areas for inclusion in the District Plan over time.
- 9.1.3 A few submissions supported RHAs as a means to help prevent the development of high density housing. Some RHAs received specific support on their own merits e.g. Chester St East, Macmillan Avenue RHA, Shelley/Forbes RHA and Englefield RHA.

### Recommendation

- 9.1.4 I recommend that this group of submissions be **accepted**, as they support the concept of RHAs as proposed in PC13, in order to help conserve significant examples of Christchurch’s remaining built residential history: **S37.5, S37.6, S37.7, S145.18, S193.2, S193.3, S193.6, S193.7, S193.10, S193.15, S193.16, S193.18, S193.24, S225.5, S404.1, S428.3, S700.1, S700.2 S700.3, S700.6, S737.4, S755.4, S835.20, S885.3, S885.4, S885.6, S885.7, S1019.1, S1019.2, S1020.2, S1020.3, S1026.1, S1046** point nos. the same as S193, **S1077.1, S1089.2, and S1095.4.**

## 10 ISSUE 10 – AMEND RHA RULES SO THEY ARE LESS RESTRICTIVE

Sub. No.	Submitter name	Summary of relief sought	Further submission (see App D)	Recommendation
S699.5, S1060.4, S1060.5	Christ's College	Reject all notified changes to Policy 9.3.2.2.8– Demolition of scheduled historic heritage. It is inappropriate that buildings located within a heritage area are subject to the same policy test as listed heritage items.		Partly accept ,in regard to a new second part of demolition Policy 9.3.2.2.8, and revisions to matters of discretion on demolition.
S700.7	Hilary Talbot	The drafting of these rules should be reviewed to see if a more nuanced approach to buildings in heritage areas is appropriate.		Partly accept

S1003.1	Melissa Macfarlane	Delete Rule 9.3.4.1.3 RD6 entirely or if Residential Heritage Areas remain included in the proposed plan, include a more appropriate and targeted rule, eg only apply it to new buildings greater than 30m <sup>2</sup> or the alteration of defining or contributory external building		Partly accept
S1003.4	Melissa Macfarlane	Amend the definition of 'Heritage fabric' to exclude 'heritage area' or exclude heritage area buildings that are not defining or contributory.		Reject
S1003.6	Melissa Macfarlane	Delete 9.3.6.4 or amend 9.3.6.4 to remove matters that focus on the dwelling itself (which is not individually listed) and target the assessment to impacts on the wider residential heritage area.		Partly accept, As the report recommends some amendments to the matters of discretion for new buildings and alterations within RHAs.
S1003.11- S1003.13	Melissa Macfarlane	Delete references to RHAs in Policies 9.3.2.2.3, 9.3.2.2.5 and 9.3.2.2.8. Instead include a new fit for purpose targeted policy for residential heritage areas that focuses on impacts on the recognised values of the area, i.e. interwar Californian bungalows.		Partly accept, as above for 1003.6.
S1017.2, S1017.4	Jayne Smith	Supports Residential Heritage Areas but has some concerns regarding the ability to make alterations to the exterior of their property for sustainability and other reasons.		Partly accept
S1036.1	Emily Arthur	Amend RD7 so that consent is not required to demolish a contributory building in a Residential Heritage Area.		Reject
S1048.17, S1048.18	Cameron Matthews	Strike out all rules or parts of rules as they relate to RHA's and Heritage Areas, [see Issue 8] including definitions of Contributory and Defining Buildings [see Issue 3]		Reject

S1069.1, S1069.2	Keri Whaitiri	Seek that the 'defining' and 'contributory' categories in Residential Heritage Areas are removed completely from the proposed new Policy Changes.		Reject
S1078	Julie Villard	[Points not coded]. Limit RHA in Lyttelton to defining and contributory sites. Neutral sites do not have any architectural significance or historical values.		Reject

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

- a. Remove defining/contributing or neutral categories for RHAs from the Plan
- b. Complaints that RHAs have the practical effect of listing/scheduling buildings
- c. Demolition policy and rules
- d. RHAs should provide for improvements for sustainability reasons without consents.
- e. Alterations to neutral and intrusive buildings should not require consent if it is permitted to demolish them.

## 10.2 ISSUE 10(A): REMOVE DEFINING/CONTRIBUTING OR NEUTRAL CATEGORIES

10.2.1 Several submitters, including S823 and S824 discussed under Issue 3 above, have sought to remove categories from the four categories ranking system for RHAs. Two submitters (S1048.17 and S1048.18 and S1069.1 and S1069.2) seek the removal of defining and contributing categories. Dr McEwan notes at her paragraph 32 that these categorisations have two outcomes or uses; first; to establish whether a potential area accommodates a sufficient number of Defining and Contributory elements to embody significant heritage values and, secondly, to provide the basis for a nuanced planning response to facilitate the ongoing protection of heritage values. As the Defining and Contributory categories are those that define and reinforce the heritage values of the area, removal of these categories would, I consider, disable this system as it would not allow for either of the purposes mentioned by Dr McEwan. As she states, without definitions the ratings would be vague, because they would offer no direction to owners or the Council as to the justification for an RHA, and create uncertainty around the implementation of the planning framework.

10.2.2 Removal of neutral sites from the RHAs, as S1078 has sought for the Lyttelton RHA, is a submission that warrants further consideration of options. S1003.4 also seeks the removal of neutral and intrusive sites from RHAs, as an alternative to removing those categories from the definition of heritage fabric, so that they would not be caught by Rule 9.3.4.1.3.RD1 alteration to

heritage fabric. My recommendation under Issue 11(B) to amend RD1 to clarify that it does not apply in RHAs, resolves the latter option, but does not address the issue of removal of neutral or intrusive sites.

- 10.2.3 Lyttelton has a large number of neutral sites – these are mostly those where there have been rebuilds in recent years or where there are extensive modifications to the original style of the building, or modifications which may not be in keeping with the heritage values of the building or area. The planning provisions for neutral buildings are that they may be demolished without consent, as they do not contribute to heritage values. However if these buildings are demolished, it is proposed that there be a restricted discretionary (RD) consent to rebuild on that site in order to assess whether the proposed new building is compatible with the heritage values of the area. Putting aside the possibility of existing use rights allowing for a same or similar rebuild, this implies that a new building has the potential to contribute to the integrity and authenticity of an area, and enhance the heritage values of the area, without needing to be pastiche.
- 10.2.4 Removal of neutral sites from the RHA or effectively from the need for an RD consent for rebuilding would negate the possibility of “heritage enhancement” of an area (ref Policy 9.3.2.2.3.(b)(ii)) for at least this chunk of buildings, allowing “anything” to be built, which could even result in buildings which detract from the heritage values of the area. This would also put extra reliance on rebuilds or replacements of defining and contributory buildings not to degrade the heritage values of the area. It would leave widespread holes in the Lyttelton RHA rule coverage (see this RHA map at Appendix 9.3.7.8 in the updated maps on the PC13 webpage, where the yellow sites would become white) and to varying extents, holes in other RHAs, which could be more significant in these smaller RHAs. I consider that this would likely undermine the community’s understanding of and clear identification of RHAs. Neutral buildings are not actually holes, because while there would be no need for consent to demolish these, new buildings on these sites are proposed to need a consent to ensure that they are sympathetic to the heritage values of the area.
- 10.2.5 The same argument applies to intrusive buildings i.e. that there is a potential for heritage enhancement, particularly through rebuilding. Intrusive sites which are vacant also offer this potential.

### **ISSUE 10(B): RHAS HAVE THE PRACTICAL EFFECT OF SCHEDULING BUILDINGS**

- 10.2.6 Submission S699.5 addresses the amended Policy 9.3.2.2.8, and Submission points S1003.1 and S1003.11-S1003.13, addresses the amended Policies 9.3.2.2.3, 9.3.2.2.5, and 9.3.2.2.8 which include heritage areas, Rule 9.3.4.1.3 RD6 for new buildings or alterations to buildings in heritage areas, and Rule 9.3.4.3 Matters of discretion for heritage areas. Both submissions state that these provisions have the practical effect of scheduling all the buildings in residential heritage areas, as

they apply the same policy tests as for scheduled items, and also apply to all the buildings on a site (and to the setting, although that word is not used in these provisions).

- 10.2.7 These provisions do not apply to accessory buildings that are located to the rear of the main residential unit on the site and are less than 5m in height. Dr McEwan does note however, that the location of garages is often a key factor in the determination of a Contributory rather than Defining categorisation (her paragraph 33). She has identified in her heritage area reports that this is because certain styles of houses had typical styles and placement of garages. For example garages for the larger, more embellished officer houses at the RNZAF housing RHA in Wigram, were typically at the front of the sections, whereas garages (if they were provided at all) for the smaller staff houses were typically built at the rear of those properties and streets. This means I do not agree that all buildings less than 30m<sup>2</sup> for example, should be exempted from these rules.

<https://ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC13/HA-10-RHA-Report-and-Record-Forms-final-for-notification.PDF>

- 10.2.8 The submission at S1003.6 seeks that the Council target the RHA provisions to impacts on values of the wider area and not of the individual defining or contributory building. It also states that clauses in the matters of discretion on the retention and integration of existing building fabric, form and appearance and heritage values (viii); the methodologies used in undertaking the works including temporary protection measures (ix); the heritage values of the building (x); and whether Heritage NZ has been consulted (d) are not relevant [to the impact on the values of the wider area].
- 10.2.9 It is not the intention for individual buildings in RHAs to have the same status as scheduled buildings (unless those individual buildings in the RHAs are in fact scheduled, and there are some of these, particularly in Lyttelton, where there are 51 individually scheduled buildings in the RHA). Rather the area is scheduled as a whole, so the area as a whole effectively has the same status as individual scheduled buildings. My initial drafts of the matters of discretion did in fact mention only collective values, but I formed the view that there also needed to be wording addressing the values of individual defining and contributing buildings, otherwise the remaining values of the RHA could easily be cumulatively degraded over time. In paragraph 6.2.8 above, I discussed the need for restricted discretionary status in regard to heritage protection. While Council's heritage team do not consider controlled activity status to be acceptable, and nor do I, there are not enough activity classes available to distinguish between two levels of restricted discretionary activity status, that for scheduled and that for unscheduled buildings.
- 10.2.10 I do agree with the submitter that there is already potential confusion between the status of scheduled buildings and unscheduled buildings within RHAs. I consider that the most appropriate option is to make some modifications to the matters of discretion for new buildings and

alterations within RHAs, so that it is clearer that there is intended to be a primary focus on the collective values of the heritage area, with only a secondary focus on individual buildings.

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

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

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

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

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

10.2.13 This is because I consider these matters of discretion are too onerous for unscheduled buildings.

There were 1347 properties in RHAs as at notification, with 1215 left in the remaining 9 RHAs when two RHAs were withdrawn. Since 78 have now been removed from the Lyttelton RHA, plus 1 from the Inner City West RHA, this makes a total of 1136 at present. If a further 24 were removed as a result of Dr McEwan's recommendation to this hearing, plus the 4 YMCA properties also recommended to be removed, there would be a total of 1108 properties in the RHAs. Although only a small proportion of these will be subject to development proposals each year, reference to whether or not Heritage NZ has been consulted (the same wording as for scheduled items), while not a requirement, does make it sound like this is desirable to achieve consent, and such consultation is likely to add potentially unnecessary delay to the process.

10.2.14 In the next section I suggest changes to Policy 9.3.2.2.8 on demolition, which if adopted, may assist with the question of distinguishing between the status of scheduled and unscheduled buildings.

### **10.3 ISSUE 10(C): DEMOLITION POLICY AND RULES**

10.3.1 Several submitters e.g. S1036.1 and some of the submitters under Issue 8 question the need for a consent for demolition of defining and contributory buildings. S1036.1 states that Contributory buildings should not be subject to a resource consent for demolition if rebuilding is in line with the character of the street.

- 10.3.2 I do not think it is appropriate to remove the need for any demolition consents, as that would provide free rein for people to remove the buildings which collectively make up the heritage values of the area, and for those values to be rapidly degraded. There is still a difference in consent status between scheduled buildings or items, where demolition of a highly significant building or item is a non-complying activity, and of a significant building is a discretionary activity, and demolition of defining and contributory buildings in an RHA, which is proposed as a restricted discretionary activity i.e. demolition has a less onerous consent process in an RHA.
- 10.3.3 However, it is likely that many people assume that needing a consent for demolition means that demolition will automatically be refused, which is not necessarily the case, particularly for contributory buildings. I say this because the notified policy for demolition in RHAs (amended Policy 9.3.2.2.8) does provide the same safeguards against Council “unreasonably refusing demolition” as for scheduled buildings, for example considering the extent of the work required to retain or repair the heritage item, and considering whether the costs to retain the heritage item or building, particularly as a result of damage, would be unreasonable. The new matters of discretion in Rule 9.3.6.5 also refer to the extent of damage and costs to retain.
- 10.3.4 One issue with S1036.1, and the suggestion of not needing consent for demolition in an RHA, (putting aside the fact that character of the street is not the same as heritage values, as I have explained above) is that demolition and rebuilding do not necessarily occur at the same time. At the point of demolition or proposed demolition, the replacement building may not have been designed or plans put into Council for consent, so Council has no certainty that the replacement will be “in line with the character of the street”. Also, if the need for and circumstances of proposed demolition of a building are not looked at separately and prior to rebuilding proposals, it would be harder for Council to argue for heritage retention and easier to demolish buildings, and over time there could be a considerable decrease in the overall heritage quality of the area. This also runs the risk of “first in, first served” in terms of cumulative effects on the area.
- 10.3.5 I did consider whether it would be possible for consent applications for both demolition and replacement to be submitted together, to speed up the process. This can and does occur now (without a rule to require it) and the two parts of such a “combined consent” can be staged in terms of processing, so that the applicant does not have to waste time and effort fully developing rebuild plans if a demolition consent ends up not being granted. The other risk to applicants is that the consent authority may grant consent for the demolition, but not grant resource consent for the design of the new building.
- 10.3.6 Turning to the question of the policy test of the amended 9.3.2.2.8– Demolition of scheduled historic heritage, submitters such as S699 and S824 have stated that it is inappropriate that buildings located within a heritage area are subject to the same demolition policy test as listed heritage items, i.e. they are effectively seeking a clearer distinction in Policy 9.3.2.2.8 - Demolition, between scheduled and unscheduled buildings. I agree that this would be desirable,



and consider that it is appropriate to amend this policy to do this, especially given the wide nature of the submissions opposing RHAs.

10.3.7 This would require reversal of the insertions proposed to the Policy in PC13 as notified, to add reference to defining or contributory buildings in RHAs, as I recommend adding a new and separate section b. underneath the current policy:

**9.3.2.2.8 Policy – Demolition of scheduled historic heritage items**

**b. i. Within Residential Heritage Areas, demolition of defining buildings is strongly discouraged and demolition of contributory buildings is discouraged.**

**ii. In considering the appropriateness of the demolition of a defining building or contributory building in a Residential Heritage Area scheduled in Appendix 9.3.7.3, regard must be had to b.i., and also to the following matters:**

- A. The effect of the proposed demolition on the collective heritage values and significance of the heritage area, including its overall integrity and coherence;**
- B. Whether the building is a defining building or a contributory building, and the specific contribution the building makes to the significance of the area;**
- C. Whether options for retention and repair have been thoroughly considered, and have been shown to be feasible or otherwise, including whether the options for repair could compromise the heritage values and contribution category of the building.**

10.3.8 I do not recommend any change to Rule 9.3.4.1.3.RD7, but rather changes to Policy 9.3.2.2.8 by adding a new section as above. I consider that the wording I propose above expresses a clearer policy position as a guide to applicants than the way that the current demolition policy for scheduled items is worded, which merely sets out matters to which regard will be had, and leaves decisions to be made via consents. I consider that it would be preferable to also amend the base demolition policy for heritage items to express a clearer policy position such as for example “avoid where possible”. Doing this would create more of a hierarchy in the policy in which scheduled items or buildings are at the top of the hierarchy. Whether there is scope in submissions made, to suggest changes to this part of the policy which effectively would strengthen it, is a question I leave to Mrs Richmond in her evidence.

10.3.9 My proposed wording for a new section of the demolition policy on RHAs, distinguishes between defining and contributory buildings, in suggesting that demolition of defining buildings will be strongly discouraged and demolition of contributory buildings will be discouraged.

10.3.10 I also recommend an amendment to the wording of Rule 9.3.6.5 a.(matters of discretion for demolition) to be similar to an amendment recommended above for matters of discretion for new buildings and alterations and additions in RHAs. This will help to indicate that the primary focus should be on the collective heritage values and significance of the heritage area. It would be also useful to expand matter of discretion b, because as worded at notification, it is not self-

explanatory. I have also taken the opportunity to update c, d and e so that the wording better reflects the proposed wording for the RHA demolition policy that I discussed above.

### Matters of Discretion

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

- a. As the primary consideration, the effect of the works on the heritage values of the building or site and the collective heritage values and significance of the heritage area, including the overall integrity and coherence of the heritage area.
- b. Whether the building is a defining building or a contributory building, and the specific contribution the building makes to the significance of the area.
- c. The extent to which the heritage fabric or heritage values physical features of the building or site have been damaged by natural events, weather and environmental and other factors. and the necessity and practicality of work to prevent further deterioration.
- d. Whether options for retention and repair have been thoroughly considered, including obtaining conservation advice where necessary, and the technical feasibility and likely costs of those options.
- ~~e. Whether the costs to retain the building on site would be unreasonable.~~
- f. The ability to retain the overall heritage values of the building and its contribution category through an alternative proposal.
- g. The extent of photographic documentation that will occur prior to, during and on completion of the works.

10.3.11 An issue which has arisen since notification of the Plan Change provisions in March 2023, when they began to have legal weight, is the question of notification or otherwise of applications for demolition within RHAs. There are very few non-notification rules at present in Chapter 9.3 Heritage, leaving the option of limited or public notification open for nearly all resource consent applications.

10.3.12 If the heritage advice is that there are minor or more than minor effects, and the processing planner accepts that advice, then notification (usually limited notification in the case of minor effects, and public notification in the case of more than minor effects) becomes much more likely.

10.3.13 When considering demolition in an RHA, it is difficult to conclude that demolition has less than minor effects on the immediate environment, for example on near neighbours who can see the site at all times. The “environment” under the RMA has a wide definition. The heritage advice has usually been that there are at least minor effects on the site and its surroundings. This has resulted in some applicants in RHAs putting their applications on hold at the pre-application or application stage to avoid notification and to await a decision on PC13. The two demolition

applications in RHAs which have proceeded through the process to date (one notified and one not notified) have both been granted.

10.3.14 Given the large number of properties in RHAs, including in each at least a majority of defining and contributory buildings requiring restricted discretionary consent to demolish, I consider that this situation is untenable both for the consent authority and for applicants. In my view it is unreasonable to at least limited notify, and possibly publicly notify, nearly all demolition applications in RHAs when demolition is only a restricted discretionary activity. Restricted activity status implies to most people that consent could be granted, although refusals are of course still possible. The cost of resource consents goes up considerably with notification, as does the time taken to reach an outcome. In my view it should be possible to reach an appropriate decision under section 104 of the Act, which still takes full account of heritage values, without involving the neighbours or other external parties. I consider this is particularly the case in respect of contributory buildings, since by definition they are not the ones which establish the heritage values and significance of the area.

10.3.15 If there were a non-notification rule, provided there were not other rule non-compliances in the application which could also trigger notification, there would be a significantly greater likelihood of non-notification for demolition of contributory buildings than is the case at present. In this section I have already recommended a more specific wording of the policy for demolition within RHAs, which provides more guidance on Council's likely approach than the current PC13 proposal for amendment of Policy 9.3.2.2.8. The new second part or part b. of this policy would assist with S104 decisions.

10.3.16 Therefore I recommend that a non-notification rule be inserted for demolition of contributory buildings in RHAs, as follows:

**Rule 9.3.4.1.3 RD7:**

- a. In a Residential Heritage Area, demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2[.....]
- b. Any application for demolition or relocation of a contributory building which is not a heritage item shall not be limited or publicly notified.

**10.4 ISSUE 10(D): RHAS SHOULD PROVIDE FOR IMPROVEMENTS FOR SUSTAINABILITY REASONS WITHOUT CONSENTS**

10.4.1 S1017.2 and S1017.4 refer to solar panels, water capture tanks and double glazing as examples, and S700.7 refers to satellite dishes and skylights. In my view these submitters have a valid point. It has already been noted by Council's heritage team that double glazing triggers RHA consent

rules. Notwithstanding the fact that Council may not become aware of these features being installed because in my understanding they do not generally require building consents, a further exception could be added to the currently proposed **Rule 9.3.4.1.3 RD6** exceptions, so that a new **exception (c)(iv)** would read:

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

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

## **10.5 ISSUE 10 (E) – ALTERATIONS TO NEUTRAL AND INTRUSIVE BUILDINGS SHOULD NOT REQUIRE CONSENT**

10.5.1 This issue arose during the PC14 hearings, and was raised by witnesses for Kainga Ora under their broad submission S834.333 - Oppose Residential Heritage Areas in their entirety, which I covered under Issue 8 above. However this specific submission point fits better under the topic of “amend RHA rules so they are less restrictive”.

10.5.2 The point was made that since it is permitted to demolish neutral and intrusive buildings, this creates a permitted baseline problem for alterations to these buildings, such that consent should not be required for the latter either.

10.5.3 I agree with this point. I suggest that the relevant exemption to Rule 9.3.4.1.3. RD6 as currently worded, should be amended by deleting the words “where the alteration is not visible from the street” so that it reads:

“c.ii. alteration to exteriors of neutral buildings or intrusive buildings ~~where the alteration is not visible from the street”.~~

### **Recommendation:**

10.5.4 Under Issue 10 on amending RHA policy and rules so they are less restrictive, I have made a recommendation to amend Policy 9.3.2.2.8 by the addition of a second part to the policy focusing specifically on demolition of RHAs. For brevity I will not repeat my proposed wording here, but see paragraph 10.3.7 above.

10.5.5 I have also made four recommendations for amendments to rules, in respect of Rule 9.3.4.1.3 RD6 - adding an exception and deleting some words from another, Rule 9.3.4.1.3. RD7 - adding a

non-notification rule, and Rule 9.3.6.4 matters of discretion - making minor wording amendments. These amendments are as follows:

**Rule 9.3.4.1.3 RD6**

**b. This rule does not apply to:**

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

**Rule 9.3.4.1.4 RD7:**

- a. In a Residential Heritage Area, demolition or relocation of a defining building or contributory building, except where the building is also a heritage item scheduled in Appendix 9.3.7.2[.....]
- b. Any application for demolition or relocation of a contributory building which is not a heritage item shall not be limited or publicly notified.

**Rule 9.3.6.4 RHA matters of discretion:**

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

**Additional matters of discretion for alteration to building exteriors**

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

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

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

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

## 11 ISSUE 11 – CLARIFY HOW RHA RULES WILL WORK/MAKE MINOR AMENDMENTS SO THEY WORK BETTER

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S842.73	Fire and Emergency NZ	Regarding Rule 9.3.4.1.1 P2, Fire and Emergency seek clarity as to whether an intrusive building within a residential heritage area would be subject to the activity specific standards set out in permitted activity rule 9.3.4.1.1.- repairs to a building in a heritage area		Accept
S842.74	Fire and Emergency NZ	[not coded] Assume 91 Chester St East is not subject to 9.3.4.1.1 P3 (a)(iv) temporary activities in a heritage area – clarify.		Reject
S1003.5	Melissa Macfarlane	Exclude heritage areas from the definition of heritage fabric or amend RD1 so it does not apply to activities covered by Rule 9.3.4.1.3 RD6.		Accept

S1016.3	Waipapa Papanui-Innes-Central Community Board	Continue to consider any additional suggestions of historical significance that are received through this process. Provision should be made for interim protection of areas (and sites) with potential heritage values to allow time for necessary in depth investigation to be undertaken.		Reject
S1028.2	Rob Seddon-Smith	Seeks a clear definition of what constitutes the particular 'heritage' character of each area, so that it is easy to determine how any proposed development might meet such character standards.		Reject
S1028.4	Rob Seddon-Smith	Seeks that a date not more than 30 years hence whereby the heritage status of an area and the rules governing it should be reviewed or otherwise automatically removed.		Reject
S1052.5	Oxford Baptist Church	Seeks that any development of 94-96 Chester Street East be publicly notified.		Reject
S1062.1	Hughes Developments Limited	Seek that the activity status for development in Residential Heritage Areas is made clearer.		Reject
S1062.2	Hughes Developments Limited	Amend Residential Heritage Area - Heritage Report and Site Record Forms - HA6 Inner City West to remove references to 31 Worcester containing buildings on site.		Accept

11.1.1 For Issue 11 there are a number of submissions seeking more minor amendments to RHA rules or seeking to clarify how RHA rules will work. I will discuss these submissions under the following subthemes:

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

## 11.2 ISSUE 11(A): PROVIDE A CLEAR DEFINITION OF THE HERITAGE “CHARACTER” OF EACH RHA

11.2.1 Heritage reports are provided for each RHA and links to these have been included on the PC13 and PC14 webpages. They will be linked from Appendix 9.3.7.3 Schedule of Heritage Areas in the District Plan. These include sections on Distinctive Physical Characteristics and on Public Realm

Features. Theoretically it would be possible to turn some of the former into standards, for example as the submitter (S1028.2) suggests for Lyttelton, not permit buildings to obstruct views of the water from first floor or above of other properties (putting aside the fact that view protection is extraordinarily difficult, not usually attempted in district plans, and nor is it a section 6 matter).

- 11.2.2 However I would suggest that many of the characteristics of RHAs have to do with style of buildings, street pattern, and public realm features for example: “The style of dwellings is typically vernacular, crafted by builders into colonial cottages or modest villas,” and that it is not realistic that these could become standards, as no-one expects new buildings to be built in exactly the same style as colonial cottages, for example. There is also variability within these areas as has been discussed already. I consider that it would likely be necessary to write separate standards for all 9 RHAs, and that it would be very difficult to draft standards which captured these variable (and often contextual) heritage features of RHA areas. The proposed restricted discretionary status for new buildings and alterations to buildings, provides an assessment process for new proposals where the package of new building features can be considered in the context of the heritage values of the area.

### **11.3 ISSUE 11(B): REMOVE THE OVERLAP BETWEEN RULE 9.3.4.1.3 RD1 AND RD6**

- 11.3.1 Submission 1003.5 states that there is an overlap between RD1 (alteration of a heritage item or heritage fabric) with RD6 (which includes alterations to building exteriors in RHAs) because of the proposed amendment to the definition of heritage fabric, and I agree. To resolve this overlap, I propose an exception from RD1 for alterations in heritage areas in favour of RD6, with wording as follows to be added to 9.3.4.1.3 RD1:

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

### **11.4 ISSUE 11(C): CORRECT/UPDATE HERITAGE DOCUMENTATION**

- 11.4.1 Submission S1062.2 requests updates to the RHA documentation for 31 Worcester Street, to remove references to the site containing a building as it is now vacant. I support this request, which will result in the contribution rating of this site becoming intrusive (see map attached at **Appendix C.**)
- 11.4.2 This submission at 1062.1 also asks for clarification of the status of heritage assessments if resource consents are granted for change. This refers to a consent for earthworks within 5m of a heritage item to enable construction of a parking area and landscaping at 21 Worcester Street, granted in October 2020. The consent has been given effect to. The submission states that it is



unclear in the provisions how often these assessments need to be updated, if at all. This is because changes for example to the contributions ratings would depend on the scale and significance of changes to the property. Because they are the basis for plan rules on RHAs, contributions ratings could only be changed via a plan change or at a District Plan review, whereas the heritage reports behind them are non-statutory and could be updated at any time.

- 11.4.3 As already noted, Dr McEwan has recently undertaken a check of all contributions ratings in RHAs, to pick up on assessments which are likely to be out-of-date due to developments occurring since the assessments were done. She lists these addresses in Appendix 2 to her evidence. I comment on whether there is scope to make these changes in the PC13 decision in paragraph 7.1.6 above.

## 11.5 ISSUE 11(D): MISCELLANEOUS CLARIFICATIONS

- 11.5.1 It is not possible under the RMA to provide interim protection for potential RHAs, because this would impose restrictions on landowners which might later be found not to be justified under section 32 (requirements for preparing and publishing evaluation reports) (S1016.3).
- 11.5.2 RHAs would be reviewed in the normal course of every District Plan review (nominally every 10 years), or as with any plan provision, could be reviewed more often by plan change (S1028.4). This submission (S1016.3) is probably seeking to clarify that additional RHAs could be added in the future. There is no need to insert a provision to this effect as this could be done at any time by plan change.
- 11.5.3 Public notification of consents for vacant sites cannot be assured because decisions on public notification depend on a judgement at the time of application on matters such as whether an activity will have or is likely to have adverse effects on the environment that are more than minor. (S1052.5).
- 11.5.4 S842.73 seeks clarification as to whether intrusive buildings within an RHA need to meet activity standards in 9.3.4.1.1. P2 – repairs to a heritage item or a building in a heritage area. P2 as notified does cover all buildings in heritage areas, which given the definitions of neutral and intrusive buildings as not contributing to the heritage values of areas, appears to me to be unduly onerous. A simple solution to this would be to change the wording of P2 so that it applied only to defining and contributory buildings in RHAs. An alternative would be to change the definition of heritage fabric, but this is likely beyond the scope of this submission and would probably give rise to wider issues. I recommend that the activity description in Rule 9.3.4.1.1 P2 be reworded as follows:

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

- 11.5.5 This submission at S842.74 also seeks clarification on P3 – temporary buildings applying within heritage areas. (and in particular, presumably, on intrusive sites). I do not see this as quite the same issue as repairs, as temporary buildings are likely to be much more visible beyond the site. However in paragraph 8.1.6 I have recommended, on the basis of Dr McEwan’s advice, that the the bulk of the FENZ site at 91 Chester St East, other than the 5m measured from the road boundary of the site, be taken out of the RHA. This makes the relief sought basically irrelevant to the site, as much of this area is occupied by landscaping.
- 11.5.6 Under Issue 11 I have recommended minor amendments to the Plan changes in respect of Issues 11 (B), 11(C), and 11(D). These changes are the two wording amendments set out above, plus amendments to RHA documentation for 31 Worcester Street.
- 11.5.7 Wording to be added to **Rule 9.3.4.1.3 RD1**:
- “b. Where the building is in a heritage area but is not a heritage item, Rule 9.3.4.1.3 RD6 will apply instead”.
- 11.5.8 **Rule 9.3.4.1.1 P2** activity description to be reworded as follows:

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

#### Recommendation:

- 11.5.9 I recommend that **S842.73, S1003.5, and S1062.2** be **accepted**, with wording changes as set out above, and changes to the RHA documentation in respect of 31 Worcester Street. See Appendix 9.3.7.8.5 attached at **Appendix C** showing the Inner City West RHA. I recommend that **S842.74** be **partly accepted** as most of the site is recommended to be removed from the RHA, so the relief sought has been achieved by other means. Otherwise the remainder of the submissions in this group should be **rejected** – **S1016.3, S1028.2, S1028.4, S1052.5, and 1062.1**.

## 12 ISSUE 12 – QUESTION/OPPOSE ZONING IN AND AROUND RHAS

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

- 12.1.1 PC14 decisions were made in September and December 2024 for Policy 3 areas including zonings within these areas, which included Chester Street East being rezoned to High Density Residential for its entire length, as part of potential intensification around the Central City zone. The submission above was made at the point when, as notified, RHAs had Medium Density zoning, whereas the area between the Chester St East and Englefield RHAs did not and had proposed HRZ zoning.
- 12.1.2 S1016.2 has been mentioned by a group of submissions evaluated by Dr McEwan. One of the issues appears to be that at least some of the residents see the whole of Chester Street East as a community, and do not want to see the eastern end of Chester St East be redeveloped to any greater extent that it has been already. Dr McEwan’s evidence indicates that the eastern end of the street would not qualify as an RHA, which means there was no Qualifying Matter under the NPS- UD which could be a reason for downzoning the eastern end of the street from the HRZ zoning that it is proposed to have. This is a result of the area being within a 15 minute walking distance of the Central City zone. The zoning here as HRZ allows for a maximum height of 20m or around six storeys, which is less than the maximum height of 32m or 10 storeys now in effect for the HRZ zone at the western end of the Chester St East RHA, since the western end is identified as part of the Central City Residential Precinct, where greater building heights are permitted. (The proposed MRZ zoning for RHAs was rejected in PC14).
- 12.1.3 Dr McEwan has noted the extensive redevelopment that has occurred in this eastern end of the street both before and after the earthquakes, which has resulted in a number of blocks of flats replacing older housing stock. It is possible that this more recent redevelopment in the eastern part of the street may mean that there will not be much further redevelopment in the near future as a result of PC14.

**Recommendation:**

- 12.1.4 I recommend that **S1016.2** be **rejected**.

**13 ISSUE 13– OTHER MISCELLANEOUS RHA SUBMISSIONS EG PROVIDE ECONOMIC INCENTIVES OR COMPENSATION**

Sub. No.	Submitter name	Summary of relief sought	Further submissions (see App D)	Recommendation
S1017.3	Jayne Smith	Support [Policy 9.3.2.2.10 on] incentives and assistance for historic heritage		Partly accept

S1028.3	R.Seddon-Smith	Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation.		Reject
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- 13.1.1 S1028.3 is summarised as: Seeks an effective means of compensating owners of property deemed to be of heritage value for the additional expenses incurred in maintenance and any loss of value as a result of the designation. The submission also states that the cost of resource consent assessment for new developments in RHAs should be borne by CCC, and that Council should fund proper management of the RHAs so that amenity is maintained.
- 13.1.2 It is understandable that property owners in RHAs might consider the concept of attempting to protect residential environments with collective heritage values, as simply a cost to them. (The submitter notes that he does not live in or own property in an RHA). I consider it likely that most people do not realise that protection of historic heritage is a matter of national importance under section 6(f) of the RMA, or that our best residential heritage environments are already significantly compromised. However the RMA also requires evaluation, including of the costs and benefits of new policies and rules. There is no doubt that in respect of protection of heritage, costs do fall primarily or totally on individual landowners, (albeit that some of these are public bodies), whereas heritage and its benefits for community identity is generally a benefit to the community more broadly.
- 13.1.3 There are now 1136 properties in the 9 RHAs, putting aside the possibility of a further reduction of 24 properties in Lyttelton and another four recommended to be removed from the Inner City West RHA via the PC13 decision. While only a small proportion of these properties would be subject to proposals to alter or rebuild in any given year, I think it very unlikely that Council could compensate owners to the extent sought in this submission. With regard to maintenance, that is a normal cost for property owners and the proposed provisions do not and could not prescribe that this must occur. It is unclear what is meant by “proper management of the RHAs to maintain amenity”.
- 13.1.4 As indicated in Mr Phil Osborne’s economic evidence, there is no certainty that identification as a heritage area will cause property values to decline. As the concept of RHAs or Historic Heritage Areas generally is relatively recent in New Zealand, I have not seen any relevant research on the value effect of these in the NZ context.
- 13.1.5 I do not consider it likely that Council (i.e. the community) would cover the costs of resource consent assessment for new developments in RHAs, with the current user pays model for consents.

- 13.1.6 S1017.3 is concerned that inclusion in a heritage area may push up the cost of maintenance and repairs, e.g. only being able to use registered heritage builders. Other issues raised are disadvantage to people owning corner properties because there are views from two roads to be considered, and removing the potential for development e.g. adding a home on the back. This submission is also discussed under Issue 10 (D) above in relation to upgrading to more sustainable living. The submission point here is summarised as "support incentives and assistance for historic heritage".
- 13.1.7 Houses within RHAs are not being scheduled individually as buildings of significant historic heritage, which is a higher ranking of protection, rather they are being scheduled as a group having collective heritage value. As noted in Section 6.1.30 above, the matters of discretion for development are intended to be more about change which is in keeping with the broad heritage characteristics of the area, than about detailed architectural control or precisely replicating the details of the building being replaced. This means I do not consider it likely that only registered heritage builders could be used.
- 13.1.8 Nor would there necessarily be a decrease in potential for development on the rear of sites; as the MRZ zoning proposed for most RHA areas (other than those in the Central City), if proceeded with by Council after the RM Amendment Bill due to come into law this year, would enable two units to be built on some sites where only one is currently provided for, subject to compliance with other built form rules.
- 13.1.9 The summarising of the submission is in relation to Policy 9.3.2.2.10, an existing policy in the Plan which states "Provide incentives (including financial incentives) and technical advice to assist in achieving the retention, conservation and ongoing use of historic heritage, including earthquake repairs and seismic strengthening, in recognition of the public good value of heritage to the community." Unfortunately as noted above, the Council's budget for heritage protection is limited at this time. Priorities must be set within this limited budget, meaning that more reliance must be placed on the provision of technical advice than on financial incentives.

### **Recommendation:**

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

## 14 MINOR AND INCONSEQUENTIAL AMENDMENTS

- 14.1.1 Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
- 14.1.2 Any minor and inconsequential amendments relevant to Residential Heritage provisions have been listed in the appropriate sections of this s42A report. Virtually all of the alterations sought and discussed throughout this report are of more than minor effect.
- 14.1.3 The recommended amendments are set out in the tracked changes versions of the applicable provisions, which are provided at **Appendix B**.

The following table lists as a reference, all of the provisions of proposed Plan Change 13 that relate to or touch on Residential Heritage Areas.

Definitions – Contributory, Defining, Intrusive and Neutral Buildings and sites
Policy 9.3.2.2.2 – Identification, assessment and scheduling of heritage areas.
Policies 9.3.2.2.3, 9.3.2.2.5, 9.3.2.2.8 - insofar as they affect heritage areas
Rule 9.3.4.1.1 – Permitted activities – P1- P4 insofar as they affect heritage areas, P12, P13
Rule 9.3.4.1.3– Restricted discretionary activities - RD4 insofar as it affects heritage areas, RD6- RD7
Rule 9.3.6.4 – Matters of discretion for RHAs – new buildings, fences and walls and exterior alterations to buildings
Rule 9.3.6.5- Matters of discretion for RHAs – demolition or relocation of a defining building or contributory building
Appendix 9.3.7.3 – Schedule of Significant Historic Heritage Areas
Appendix 9.3.7.7.- RHAs Aerial Maps
Appendix 9.3.7.8- RHAs Site Contributions Maps
Appendix 9.3.7.9 -RHAs and Character Areas Overlap Maps

## 15 Conclusions and Recommendations

- 15.1.1 Having considered all of the submissions and reviewed all relevant instruments and statutory matters, I am satisfied that the Plan Change 13 in respect of Residential Heritage Area provisions, with the amendments I am suggesting, will:
- a. result in amended policies that better achieve(s) the operative objective;

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

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

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

15.1.3 I recommend therefore that:

- a. The Plan Change 13 provisions on Residential Heritage Areas be approved with modifications as set out in the attached **Appendix B**; and
- b. Submissions on the Plan Change be accepted or rejected as set out in **Appendix D** to this report.

