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Nelson Resource Management Plan Heritage Methodology and Provisions Review

3 April 2024

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Executive Summary

This report includes a review of the Nelson Plan Heritage Methodology **(NPHM)** and a review and comparison of the heritage provisions in the Nelson Resource Management Plan **(NRMP)**.

Methodology

Overall, the methodology for the identification and assessment of historic heritage items is largely fit for purpose, however, it needs amendment with regards to the requirement for a site visit at the time of assessment.

It is also appropriate to reduce the heritage categories from three to two (A and B), and the categorisation can be distinguished sufficiently. The assessment criteria are appropriate and allow assessment of all relevant heritage values.

However, it is critical that a scheduled heritage item is/has been visually inspected through a visit to the property at the time of assessment. It is appropriate to roll over these items in the schedule, unless new information has come to light that indicates changes to the item that affect its heritage values and significance. In these instances, an updated assessment is required and with that a current site visit needs to be undertaken. The requirement for a site visit must be included in the methodology.

The Historic Record Template used by NCC provides is an appropriate tool for heritage assessors to record the assessment of the heritage item. However, I recommend that it should also include information on the site visit undertaken.

Provisions

The provisions in the Heritage Chapter of the NRMP (DO4) are generally following best practice. The proposed amendments align with the requirements under the current legislation with regards to heritage protection.

Introduction

Commission

This peer review was commissioned by Nelson City Council, in March 2024 in relation to Nelson City Council's **(NCC)** Plan Change 29 **(PC29)**.

Requirements

The brief requires the peer review of the *Nelson Plan Heritage Methodology-A Revised Methodology for Identifying and Assessing the Heritage Significance of Buildings, Places, Areas and Objects, prepared by Dr Ann McEwan and Dr Greg Mason, Heritage Consultancy Services, 19 June 2015*. This document is identified as PC29–S32 Report Appendix 3L.

In addition, the provisions relating to heritage in the proposed Nelson Resource Management Plan 2023 are also required to be reviewed in relation to best practice, legislative requirements, and comparison with other recently adopted District Plans.

Author

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Peer Review

Overview

The authors of the NPHM considered the statutory provisions for identifying and assessing the significance of historic heritage, as defined, and set out in the Resource Management Act 1991 **(RMA)**, and the Heritage New Zealand Pouhere Taonga Act 2014 **(HNZPTA)**.

It included a case study of a variety of different councils' approaches to heritage identification and assessment. Five councils of similar size were chosen that represent a mix of unitary and district councils throughout New Zealand. A questionnaire including 11 questions formed the basis for the case study.

Based on the findings of the provisions and the case study, a report was produced which included six recommendations were provided that can be summarised as:

1. Refine existing assessment criteria;
2. Provide Guidance Notes outside the proposed NRMP;
3. Utilise 'Thematic Historical Overview of Nelson City' as guide for future identification and management;
4. Implement resource consent monitoring to identify the efficacy of regulatory protection and financial incentives;
5. Review Category 'C' items; and
6. Review provisions in the NRMP considering the revised methodology.

The report proposed seven assessment criteria to be included in the evaluation process as follows:

a) Historic and social significance;
b) Cultural and spiritual significance;
c) Architectural and aesthetic significance;
d) Technological and craftsmanship significance;
e) Archaeological significance;
f) Scientific significance; and
g) Group, landmark and contextual significance.

It was proposed to reduce the categorisation of heritage items from three groups to two groups, A and B. In addition, nine Guidance Notes were proposed that should assist in the identification and assessment of heritage items and areas, that sit outside the NRMP.

Appendices to the NPHM included the following:

a) Proposed Heritage Buildings, Places, Areas and Objects Assessment Template;
b) Selected Samples of Listed Heritage Buildings Using the Proposed Template
c) Themes in Nelson's History; and
d) Heritage Identification and Assessment Approaches Used by Five Case Study Councils and Nelson City Council.

Review criteria

As set out in the brief provided by NCC, this review focusses primarily on the following three aspects:

1. The appropriateness of a desktop review;
2. The criteria / methodology used to categorise heritage items; and
3. The appropriateness of the proposed heritage provisions within the relevant zones of PC29 considering:
    i. industry best practice
    ii. legislative requirements
    iii. recently adopted District Plans

Discussion

General Matters

***Question 1**: Did the 2015 review of the NPHM take into account the appropriate legislative requirements?*

The NPHM is a comparative review of the existing methodology that appropriately takes into account the legislative requirements of the RMA and the HNZPTA.

The review was undertaken in 2015 as a measure to update and review scheduled built heritage items in the NRMP, and the assessments to be used as a resource consent tool, as well as information for owners and other interested parties in the future.

The review solely considered the appropriateness of the existing outdated methodology and any changes and updates required to provide a more robust and useful methodology for the identification and assessment of heritage items as required under the RMA.

While the methodology formed part of the Section 32 Report of PC29, it is noted that it did not take into consideration any requirements under the National Policy Statement: Urban Development 2022 **(NPS:UD)** or the Intensification Requirements under Section 77G and 77N of the RMA.

This is understandable, because it was written before the new legislation came into force, and particularly because any heritage values and the significance that is attributed to a heritage item is present irrespective of this legislation, and needs to be assessed without bias or predetermination.

However, given the methodology is now applying to an instrument of the new intensification legislation (i.e. PC29) consideration needs to be given at some stage, whether the thresholds for scheduling are still appropriate in light of that new legislation. This could be considered at a time of a full plan review, or through a further Plan Change.

It is noted that the methodology does not differentiate between heritage and special character areas, as several Council's in New Zealand do. It allows councils to make a distinction between areas of particular heritage values that require a greater level of protection, and areas that display a special character (e.g patterns of development, lot sizes, architectural and streetscape character) where the individual buildings contribute to that character to varying degrees, and change to individual buildings is more permissive. The NRMP classifies both areas as Heritage Precincts.

The case study revealed that NCC schedules buildings exteriors in their entirety, in contrast to Dunedin City Council that includes the scheduling of facades and parts of the exterior of buildings. Best conservation practice refers to facadism as a very last resort and should not be practiced, therefore the NRMP is better aligned with best practice.

In summary, the methodology took the relevant legislation at the time into consideration.

Criteria / methodology used

CASE STUDY

The methodology for the NPHM included the comparison of methodologies and approaches that other councils employ, which is a valid process to identify mechanisms and systems that are currently in use.

It is noted that all council's chosen for the case study are smaller councils, that have been selected for their *'similar development patterns, and they face similar development pressures'*. It is questionable whether the development patterns and development pressures councils face are of any relevance when investigating the best methodology for identifying and assessing heritage values and significance. While this is not a fatal flaw in the methodology, it renders the selection of councils compared as rather random, which provides a valid baseline of methods used, but does not necessarily compare best practice.

The comparison with councils that use recognised best practice standards for the identification and assessment of heritage items that have a well-established and long-standing heritage department, including qualified heritage experts, and a recognized way for assessing and identifying heritage over a long period of time (e.g. Auckland Council) would have been more suitable selection criteria and should be considered in future reviews.

This will achieve a more robust process to better identify gaps and modifications required for an identification and assessment process that meets best practice standards.

In summary, the technique of using comparisons is appropriate and while more suitable samples could have been included, this does not amount to a fatal flaw of the methodology.

***Question 2**: Is applying the NPHM at desktop level appropriate?*

It is entirely appropriate to review the methodology for the identification and assessment of heritage items as a desktop-based process, as this is a method that requires research, comparisons and findings that match best conservation practice, and relies on theoretical knowledge of a wide-ranging nature, not on specifics of a particular heritage item.

However, the actual identification and assessment of the heritage items requires site visits and visual inspection of the heritage items. While a desktop study can be a solid basis for identifying and assessing the significance of heritage items in the first instance, for the evaluation of heritage values a visual inspection of the heritage item is crucial. Here, a view from the public realm is not sufficient and is not considered a site visit.

A visit to the property is needed that includes the observation of the item from all four elevations, and where possible or applicable, the interior. The risk of foregoing a site visit is that the heritage values are not accurately represented in an assessment, and an item could be wrongly scheduled, categorised, or dismissed altogether, based on insufficient or incorrect information about the physical attributes of the item.

Best conservation practice requires for a robust identification and assessment of a heritage item that a visit to the property is undertaken to qualify the assessment with up-to-date information on the values of an item and their accuracy, and the authenticity, integrity, and condition of the heritage item. This information cannot be reliably obtained through a desktop review, or through a view from the street. In addition, a site visit provides an opportunity to take up-to-date photographs to include in the records.

While the condition of an item does not necessarily have an influence on the significance of a heritage item, it is important to understand the condition in the context of the scheduling process. If a heritage item is of such poor condition that any repairs would require the removal of substantial amounts of significant heritage fabric, this would have an adverse effect on the authenticity and integrity of the item, and therefore may influence the category it is placed in.

In summary, it is critical that a scheduled heritage item is/has been visually inspected through a visit to the property at the time of assessment. This may have been in the past when an initial assessment was undertaken, and it is appropriate to roll over these items in the schedule, unless new information has come to light that indicates changes to the item that affect its heritage values and

significance. In these instances, an updated assessment is required and with that a current site visit. The requirement for a site visit must be included in the methodology.

CATEGORIES

Question 3: *Are the Categories identified in the NPHM appropriate and is identification of Group A and B items clearly distinguishable?*

Currently, the NRMP includes three Categories of significance a heritage item can have, grouped as A, B and C. As noted in the NPHM the activity statii linked to these categories are in hierarchical order.

The NPHM appropriately recommends the reduction of the categories to two Groups (A and B), since Group C is not provided with any tangible protection mechanisms in the provisions of the NRMP; alteration and demolition both have permitted activity status.

The NPHM suggests to reassess all Group C heritage items and determine whether they reach the threshold for inclusion as Group B, or whether they are removed from the schedule. It is also appropriate to include areas of concentration of Group C items as heritage precincts (or special character areas). Both mechanisms are valid approaches to protect Group C items that present heritage values.

It is unclear what the thresholds for Group A (high significance) and B (significance) items are. While the proposed Guidance Notes refer to 'credible evidence, a contribution to the understanding of Nelson's development, and a good degree of integrity' as evaluations for Category B items; and 'especially credible evidence, its importance to the understanding of Nelson's development, and a high degree of integrity' for Category A items, some of these measures are subjective, and require qualification, to ensure a robust process at a later stage.

In summary, it is appropriate to reduce the categories from three to two (A and B). The two measures that are critical in the categorisation of items are their level of integrity and whether the item is important to the understanding of Nelson's development, or whether it contributes to that understanding, and therefore the categorisation can be distinguished sufficiently.

SIGNIFICANCE CRITERIA

Question 4: *Are the assessment criteria proposed in the NPHM appropriate?*

The basis of the significance criteria has been established through the criteria in the RMA and the HNZPTA, in combination with the extended values that NCC provided in the NRMP. The recommendations in the NPHM endorsed to combine criteria under larger headings, which is acceptable.

The assessment criteria are applicable to heritage buildings, places, areas and objects. It is noted that any areas of heritage significance are managed in the NRMP as Heritage Precincts. Consistency of wording throughout the NRMP and the assessment tools is required to avoid confusion.

With regards to the grouping of criteria, there are several combinations plausible since several of the criteria overlap. The combinations proposed are logical amalgamations and the descriptions provided clarify what aspects of significance are included under the headings.

The following is apparent:

a) Historic and social significance
   The description covers sufficiently the historic and social aspects included.

b) Cultural and spiritual significance
   The description covers sufficiently the cultural and spiritual aspects included.

   It is noted that values to tangata whenua are included here. Due to the very different assessment methods and criteria to establish values to tangata whenua, it may be of advantage to provide for a separate heading for tangata whenua significance.

c) Architectural and aesthetic significance
   The description covers sufficiently the architectural aspects included. A descriptor that refers to the aesthetic values should be added.

d) Technological and craftsmanship significance
   The description covers sufficiently the technological aspects included. The reference to craftsmanship significance requires further description, since this is not inevitably included in technological processes, developments, or methods.

e) Archaeological significance
The description covers sufficiently the archaeological aspects included.

f) Scientific significance
The description covers sufficiently the scientific components included.

g) Group, landmark and contextual significance
The description for these criteria requires additional descriptors including its association with a wider historical or cultural context, significant streetscape, or townscape.

In summary, the assessment criteria are appropriate and allow assessment of all relevant heritage values.

RECORD FORM TEMPLATE

Question 5: *Does the record form template accurately prompt the assessor to record the appropriate information?*

The NCC Historic Heritage Record Form is a substantive template for the information required to identify and assess historic heritage items adequately and systematically.

The Record Form should include a reference to the Guidance Notes, to alert to their existence.

However, it is critical to include the requirement of a site visit and a heading that shows the date of the site visit and the person that undertook the site visit to the template.

In summary, the template provides an appropriate record of a heritage item, but must include information on the site visit undertaken.

GUIDANCE NOTES

Question 6: *What is the role of the Guidance Notes in the NRMP?*

Guidance Notes are a valuable tool to clarify what information is required, and how the assessment should be undertaken, to ensure the process is robust, unbiased, and reliable. This is of particular importance, when research and assessment are not undertaken by professional conservation specialists.

While the Guidance Notes include a direction that each item needs to be evaluated, there is no guidance provided as to the process involved

and the level of values that need to be achieved to contribute to the significance (e.g. not every villa that exists is worth protecting, just because it fulfils the criterion of an example of a historic style and early settler history). Examples would help to understand the level of importance of the values assessed.

The Guidance Notes direct to determine whether the item has significance or high significance. It needs to include clear thresholds for the significance of heritage items. This is also necessary since the Guidance Notes require that if the threshold is not reached, the value is to be recorded for information purposes. These thresholds for Group A and B items should also be part of the NRMP.

It may be of value to include a reminder that the data in the Record Form must be based on solid research and references need to be provided. The Guidance Notes also need to clarify that if data cannot be accurately verified, this need to be stated in the Record Form.

Since New Zealand does not have a national standard for the identification and assessment of heritage items, the reference to ICOMOS New Zealand and its charter should be included, as the only nation-wide professionally accepted guidance.

It is proposed that the Guidance Notes sit outside the NRMP. While this is generally a valid option, it is then important to imbed hooks in the provisions that link to the Guidance Notes and the Heritage Record Template (i.e. the information required for assessment). However, to provide a more robust and consistent process, it may be of value to include the Template and Guidance Notes in the NRMP.

In summary, the role of the Guidance Notes is to provide direction on how to undertake identification and assessment and forms the 'user manual' to complete the Historic Record Form appropriately.

Overall, the methodology for the identification and assessment of historic heritage items is largely fit for purpose, however, it needs amendment with regards to the requirement for a site visit at the time of assessment.

Review of PC29 amended Provisions

Overview

To adequately protect historic heritage, as required under the RMA as Matters of National Importance (Section 6(f)), the NRMP provides objectives, policies and standards that ensure this is appropriately achieved.

The provisions relating to heritage are included in:

- Chapter 2 – Definitions – historic heritage
- Chapter 3 – Administration[1]; and
- Chapter 5 - Heritage[2].

INDUSTRY BEST PRACTICE

Question 7: Are the proposed heritage provisions appropriate in terms of Industry Best Practice?

As mentioned above, New Zealand does not have a national standard for the identification and assessment of heritage items, nor for its protection.

Heritage protection is in New Zealand typically guided through guidelines that have been established by Heritage New Zealand Pouhere Taonga **(HNZPT)** (formerly Historic Places Trust), and methodologies used by HNZPT to identify and assess potential historic heritage items that are proposed to be listed.

In addition, the ICOMOS New Zealand Charter 2010 provides clear guidance in the form of principles, processes and practices that ensure best practice standards that are accepted internationally are achieved.

The inclusion of a reference to the ICOMOS New Zealand Charter in the NRMP would be beneficial to ensure best practice standards are adhered to.

It is to note that PC29 only seeks to amend Policy DO4.1.13 and therefore the scope for change is limited to that Policy. However, for the sake of completion, all Policies and Rules have been reviewed, and recommendations provided for a further Plan Change.

[1] AD4.2.iii, AD4.3.ii, AD8.2.ii(d)(vii), AD8.3(m), AD10.3.ix, AD11.3.4

[2] DO4, DO13A.1, DO13A.1.1.iii,

In summary, the provisions in the Heritage Chapter of the NRMP (DO4) are generally following industry best practice.

However, there are a number of matters that should be addressed through a future Plan Change to provide for a more robust and practicable framework. These are outlined below:

Policies:

a. *DO4.1.1 Heritage identification and classification* – remove and reassess all Category C items. These items are not protected through the provisions (alteration and demolition is permitted) and therefore these items require reassessment to determine whether they meet the threshold for protection as a Category B.
b. *DO4.1.2 demolition or removal of Group A heritage items* – the applicant needs to demonstrate one of four factors to be present to the satisfaction of the Council to achieve a demolition consent. Here it is important to note that to adhere to best practice, a suitably qualified and experienced heritage expert should be satisfied with the reasoning, who understands the effects on the heritage values, not just the council in general.
c. *DO4.1.2(iv) renders the site incapable of reasonable use, and places an unfair and unreasonable burden on the owner* – This reason does not align with best practice, due to the very vague wording of 'unfairness' and 'unreasonableness', that will not sufficiently protect heritage items. The wording requires strengthening or a threshold needs to be introduced as to the qualification of unfairness and unreasonableness.
d. *DO4.1.3 demolition or removal of Group B heritage items* - This policy refers to the assessment criteria in the Rules. It is relevant to reference which Rules (assessment criteria) are referred to.
e. *DO4.1.4 demolition or removal of group C heritage items* – This policy should be deleted in accordance with the removal of Group C items.
f. *DO4.1.5 archaeological sites and overlay* - This policy includes places that have significance for tangata whenua. There are places that are not archaeological sites that have significance to tangata whenua. As noted earlier in this review, places of significance to tangata whenua should have their own provisions, to allow for the different identification, assessment, and treatment.
g. *DO4.1.6 alterations and adjoining development* – It is noted that the implementation of this policy requires stricter standards for Group A than Group B items. Unless these standards are

included and referenced in the NRMP they are vague, may be biased, and have no effect in the protection of heritage values.

h. *DO4.1.7 heritage trees* –The reasons for removal should satisfy an arborist, not just any council officer. Also, 'unfair and unreasonable burden on the owner' is a vague wording, as above. It should be recognized that trees are living things that change over time on their own accord.
i. *DO4.1.8 landscape trees* – This policy refers to 'respective rules'. These rules should be referenced to provide clarity.
j. *DO4.1.11 work on trees and adjacent development* – The policy refers to 'stricter standards' for Heritage Trees than other trees. These standards need to be referenced.
k. *DO4.1.13 heritage precincts* – As mentioned earlier in this review, historic heritage and character are conflated in the NRMP. Best practice would suggest to separate heritage precincts from character precincts to achieve more appropriate protection for the different values (heritage and streetscape) that are of significance.

   The Methods listed under DO4.1.13 are acceptable methods to encourage and achieve the protection of heritage items. Best practice would require for any changes to heritage buildings or groups of heritage buildings to engage a qualified conservation professional. Reference to this fact should be included.

   Appendix 1 Heritage Buildings, Places and Objects provides a schedule of heritage buildings, places, and objects in a tabulated format. While this format is useful, an identification number should be added to each item for easy reference.

Rules:

The Rules relating to heritage for the Residential Zone seem to be identical to those in the other zones, therefore comments made for the Residential Zone are equally applicable to the other zones.

Recommendations made for the provisions of the Residential Zone should be carried through to the appropriate provisions in the other zones.

a. *REr.18T Buildings adjoining a site in a heritage precinct, or containing a heritage building or object* – This Rule is appropriate and provides a range of assessment criteria.
b. *REr.19T Buildings adjoining a site in a heritage precinct, or containing a heritage building or object* – The Rule is appropriate and provides a range of assessment criteria. It is

unclear where this Rule applies, in comparison with Rule REr18T, which is the same Rule.

c. *REr.85-Alterations to Group A and B items* – This Rule does not follow best conservation practice. To allow restoration (which is not minor maintenance work) as a Permitted Activity, without resource consent may jeopardise the heritage values of an item. To undertake work to the same scale, yet with new materials can have adverse effects on heritage values and this should be guided through a resource consent process. In general, this Rule is predominantly concerned with the visual appearance, not with the authenticity and integrity of an item, which is an important factor in the heritage values and significance of an item. It is only at Discretionary/Non-complying/Prohibited Activity status that effects on heritage values are considered. The assessment criteria will only bite for REr.85.2 to REr.85.5.
d. *REr.86 New buildings on the site of a heritage item* - The Rule is appropriate and provides a range of assessment criteria.
e. *REr.87 Demolition or removal of Group A and B items* - This Rule is appropriate and provides a range of assessment criteria.
f. *REr.88 Demolition of Group C items* – This Rule is appropriate to be deleted.
g. *REr.89 Heritage Precinct Alterations to any building (except listed Heritage Buildings)* – This Rule is predominantly concerned with the visual appearance within a Heritage Precinct. It does not elaborate on the values and contribution that a non-heritage item has in relation to the Hertiage Precinct, and the effects that changes to this item may have for Permitted Activities. This is not aligned with best conservation practice. The assessment criteria refer to the Heritage Precinct Design Guides and compliance with them, yet the Design Guides are not legally binding by sitting outside the Plan.
h. *REr.90 Erection of new buildings* - This Rule is appropriate and provides a range of assessment criteria.
i. *REr.91 Removal or demolition in a Heritage Precinct* - This Rule is appropriate and provides a range of assessment criteria.
j. *REr.92 Front fences* - This Rule is appropriate and provides a range of assessment criteria.
k. *REr.93 Heritage Trees* - This Rule is appropriate and provides a range of assessment criteria.
l. *REr.95 Heritage and Landscape Trees Activities within the root protection zone* - This Rule is appropriate and provides a range of assessment criteria.

m. *REr.96 Heritage and Landscape Trees Removing or destroying* - This Rule is appropriate and provides a range of assessment criteria in REr.93.4.
n. *REr.98 Archaeological sites* - This Rule is appropriate and provides a range of assessment criteria.
o. *REr.113 Subdivision in Hertiage Precincts are not a Permitted Activity* - This Rule is appropriate and provides assessment criteria that refer to the Design Guide.
p. *REr.114 Subdivision in Heritage Overlays are not a Permitted Activity* - This Rule is appropriate and provides a range of assessment criteria.

LEGISLATIVE REQUIREMENTS

Question 8: *Do the proposed amendments to the NRMP provisions align with legislative requirements?*

The RMA requires the protection of historic heritage from inappropriate subdivision, use and development. The RMA clearly defines what falls under historic heritage, and provides criteria under which said historic heritage should be assessed.

The definition of historic heritage in the NRMP matches exactly that of the RMA, and is therefore well aligned.

The NCC Regional Policy Statement 1997 **(RPS)** includes the identification and protection of historic heritage as an amenity value (Chapter 7 NA1). While this goes some way towards the protection of historic heritage, it does not align with the RMA requirement to treat historic heritage as a matter of national importance in its own right. This is, however, not surprising, since the RPS was written before the changes to the RMA in 2003 came in to force, relating to the increased status of historic heritage. More recent Regional Plans typically include more robust protection provisions.

The NRMP includes provisions that are specifically relating to historic heritage, in addition to a number of separate Design Guides for its Heritage Precincts, that sit outside the NRMP.

In the Design Guides for Heritage Precincts the council states:

> *"To assist owners of properties located within heritage precincts, Council has developed a series of design guides to ensure developments occur within manner sympathetic to their environment. The guides give a visual description of the precinct and provide ways of adapting and building properties in those areas.*

The heritage precinct design guides were updated in August of 2023. The main purpose of the update was to align the design guides with heritage provisions as amended by Plan Change 29. Changes also resulted in the removal of irrelevant or outdated content and modifications to ensure consistency across the different design guides."

While it is commendable that the Design Guides have been updated and are now aligned with the provisions in the plan, and are to be used in the consideration of relevant applications, they have no legal status. In contrast, the Council chose to include three Design Guides (subdivision, structures, and Comprehensive Housing Development) to ensure that desired design outcomes are achieved.

To achieve adequate protection of historic heritage values within the Heritage Precincts, it would be of advantage to include the Design Guides for Heritage Precincts in the NRMP.

Appendix 1 Heritage Buildings, Places and Objects lists the identified and assessed heritage items as required.

The NRMP has considered the HNZPT listed items in preparing the heritage provisions.

With regards to the housing intensification legislation it is to note that Nelson is a 'Tier 2' city and therefore NPS:UD Policy 2 and Policy 5 apply.

The intensification requirements for residential zones in the RMA (Section 77G) and for non-residential zones (Section 77N) are also relevant for Nelson.

PC29 notes that changes have been made in response to those new legislations[3], and heritage items have been reassessed based on these refined criteria. This has led to the deletion of some items from Appendix 1 that were found no longer meeting the threshold, and the inclusion of new items that were found as being of significance in alignment with the protection requirement for historic heritage under the RMA.

In summary, the proposed amendments align with the requirements under the current legislation with regards to heritage protection.

[3] AP1.1.xiv – amended criteria

RECENTLY ADOPTED DISTRICT PLANS

Question 9: *How do amendments of PC29 compare with other recently adopted District Plans?*

The NPHM has undertaken a case study comparing the methodology used by NCC to identify and assess heritage items with five other councils throughout New Zealand, which provided a baseline.

The appropriateness of the NRMP provisions compared to a recently adopted District Plan from another Council has not been undertaken previously.

It is to say, that not many recently finalised District Plans are available at this time, due to the governmental timeframes given in which changes need to be implemented in relation to the intensification legislation.

Porirua District Council has notified their Proposed District Plan Decisions Version 2023 **(PCPDP)** on 7 December 2023 and therefore provides for some comparison. While Porirua is a Tier 1 city in contrast to Nelson being a Tier 2 city, this difference is of minor relevance when comparing provisions for the appropriate protection of historic heritage, since Porirua District Council has accepted historic heritage as a Qualifying Matter.

In this comparison a number of differences and commonalities became apparent as follows:

- PCPDP confines its heritage classifications to two groups A and B. Group A is defined as of 'outstanding national and regional significance', and Group B is of 'national, regional or local significance'. It is recommended for the NRMP to also reduce the categories to two only and provide clear parameters as to the thresholds for the categories.
- In addition to separate heritage schedules for Group A , Group B, and Heritage sites, Porirua also included a separate schedule for Sites and Areas of Significance to Maori. As noted above, a separation of items of significance to tangata whenua is also recommended for the NRMP.
- It is noticeable that PCPDP provides a wide range of definitions relating to heritage matters and its processes involved. This allows for clear and unbiased direction within the provision framework. NRMP defines historic heritage in alignment with the RMA, but has no further definition for any of the conservation processes that may be required in the protection and maintenance of a heritage item. To include further definitions that include the meaning of e.g. alteration, repair,

etc. would provide for a clearer directive for the Plan user, and ultimately for better outcomes for heritage.

- PCPDP includes in their schedules of heritage items a short Statement of Significance, which is helpful as well as informative, and educational for the reader. This can readily be achieved if the scheduled items are relatively small in number.
- The PCPDP schedules of heritage items includes the following: Group A 12 items, Group B 34 items, heritage sites 8 items, SASMs 22 items, which totals to 76 items. In comparison, the NRMP has over 300 items scheduled.
- The Historic Heritage chapter in the PCPDP notes that sites have been identified adjacent to heritage items that required specific height controls for the protection of heritage values. As a Tier 1 city this has particular relevance.
- The heritage values to be assessed in the PCPDP are derived from Policy 21 of Wellington Regional Councils Regional Policy Statement. While they include similar criteria to those noted in the RMA and assessed by HNZPT (e.g. historic, physical, and social values), the NRMP uses a wider range of criteria that are more relevant and can be more objectively assessed than e.g 'surroundings' and 'rarity', which are listed as criteria in the PCPDP.
- The PCPDP includes 17 very detailed Policies, 16 Rules, and one Standard. The policies are clear and very descriptive which allows for strong direction. The Rules are short and sharp and easy to understand and navigate. The only Standard refers to repairs, maintenance and redecoration of heritage items. In light that the PCPDP has 76 items that these provisions apply to, and the NRMP has over 300 heritage items, overall the policies in the NRMP could be more descriptive, with clear links and references to specific Rules.
- Best conservation practice suggests to provide a Conservation Plan for an item, that includes the history of a place, assesses its heritage significance and provides recommendations as to the conservation of the item. PCPDP provides in their policies reference to the preparation of a Conservation Plan to achieve best outcomes for heritage.
- The PCPDP also refers to engage suitably qualified and experienced heritage experts for any work on heritage items, which aligns with best practice principles, as does the reference to the possible reversibility of changes, that changes need to be kept to the minimum necessary, and the consideration of cumulative adverse effects on the heritage values of an item.

To include such references in the NRMP would be a step closer to best conservation practice.

In summary, the proposed amendments are similar to those in the decision version of the PCPDP, considering that their plan structures are different.

Conclusion

In conclusion, the methodology is largely fit for purpose, however, a requirement for a site visit at the time of assessment is fundamental to the accuracy of the assessment and therefore the scheduling and categorisation of a heritage item.

The provisions proposed in PC29 are appropriate for the identification, assessment, and protection of historic heritage items.

One recommendation has been made to be considered in PC29, relating to the requirement for site visits. All other recommendations should be considered through a separate further Plan Change, or a full plan review in the future.

Recommendations

The following recommendations should be considered within PC29:

1. Include site visits as a requirement in the identification and assessment process. This needs to be reflected in the Record Form Template.

The following recommendations should be considered for a future Plan Change:

For the methodology:

2. Reflect, particularly in light of the intensification requirements, whether the distinction between Hertiage Areas and Special Character Areas would be of advantage to achieve appropriate heritage protection, while at the same time allowing for change where suitable.
3. Include the former assessment methodologies in the appendix for reference.
4. The provisions should include the assessment criteria and a hook to the use of the Historic Heritage Item Record Form and Guiding Notes.
5. Consider the comparison of a council with a well-established heritage department in the case study.
6. Provide thresholds for the categorization of A and B grouped items.
7. Ensure consistent wording within the NRMP, the Record Form Template, and the Guidance Notes to avoid confusion.
8. Under the significance criteria provide a separate criterion for the assessment of Tangata Whenua values.
9. Add a descriptor for aesthetic values.
10. Add further description for craftsmanship values.
11. Add further description for contextual values.
12. Add a reference to the Guidance Notes in the Record Form Template.
13. In the Guidance Notes, provide direction on the thresholds required for each of the values assessed and their overall significance.
14. Provide guidance on research and data accuracy.
15. Consider to include the Record Form Template and Guidance Notes in the NRMP for them to have legal effect, and include critical guidance within the provisions.

For the provisions:

16. Include the ICOMOS Charter as guiding principle for heritage into the NRMP.
17. Include the Design Guides for Heritage Precincts in the NRMP.
18. *DO4.1.1 – R*emove and reassess all Group C items.
19. *DO4.1.2* – Refer to suitably qualified and experienced heritage expert for sign off.
20. *DO4.1.2(iv)* – Strengthen wording or qualify 'unfair' and 'unreasonable'
21. *DO4.1.3* - Reference Rules applicable.
22. *DO4.1.4* – Delete policy
23. *DO4.1.5* – provide provisions specific to tangata whenua
24. *DO4.1.6* – Include and reference standards.
25. *DO4.1.7* - Refer to qualified arborist for sign off.
26. *DO4.1.8* - Reference Rules applicable.
27. *DO4.1.11* - Include and reference standards where applicable.
28. *DO4.1.13* – Separate heritage from character.
29. Include an identification number for each scheduled heritage item.
30. Require for any changes to heritage buildings to engage with a suitably qualified and experienced heritage expert.
31. Include the Design Guides for Heritage Precincts in the NRMP.
32. Provide further definitions for processes linked to heritage.
33. Provide for more detailed Policies with links to specific Rules and Standards.
34. Include reference to the following in the provisions:
    - preparation of a Conservation Plan;
    - engaging suitably qualified and experienced heritage experts;
    - considering the reversibility of changes; and
    - considering that changes need to be kept to the minimum necessary.
35. Reword REr.85.
36. Reword REr.89.