**Before the Hearings Panel**
**Appointed by the Hutt City Council**

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| **IN THE MATTER** | of the Resource Management Act 1991 |
| **AND** | |
| **IN THE MATTER** | of Hutt City Council Proposed District Plan Change 52 - Alignment of the District Plan with the New Zealand Heritage List |

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# STATEMENT OF EVIDENCE OF CAROLINE ELIZABETH RACHLIN ON BEHALF OF HERITAGE NEW ZEALAND POUHERE TAONGA

## PROPOSED DISTRICT PLAN CHANGE 52

**Planning Statement**

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**9 APRIL 2019**

## 1. INTRODUCTION

1.1 My name is Caroline Elizabeth Rachlin. I have a Bachelor of Arts (in History and Geography) from the University of Canterbury, and a Master of Resource Studies (in Environmental Planning) from Lincoln University. I am a Planner for Heritage New Zealand Pouhere Taonga (Heritage New Zealand) for the Central Region Office. My role includes providing statutory planning advice in relation to proposals under the Resource Management Act (RMA). I have been in this role for five months.

1.2 I have 13 years' experience in planning in New Zealand and five years' experience in planning in the United Kingdom. Before being employed by Heritage New Zealand, I held senior planner positions at Upper Hutt City Council and Christchurch City Council, where my work primarily focused on the preparation of Council led plan changes (under the RMA). During my work at Christchurch City Council I was involved in the proposed Christchurch Replacement District Plan, including assisting in drafting of chapter proposals (including for Natural and Cultural Heritage) and providing evidence before the Independent Hearings Panel.

1.3 Before these positions, I was employed in planning positions in the United Kingdom in development control (similar to New Zealand resource consents planning), and by the Selwyn District Council in a policy planner role. I am an associate member of the New Zealand Planning Institute.

1.4 Although this evidence is not prepared for an Environment Court hearing I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and have complied with it in when preparing this evidence. I have considered all the material facts that I am aware of that might alter or detract from the opinions I express. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

## 2. SCOPE OF EVIDENCE

2.1 Heritage New Zealand made a submission and further submission on proposed District Plan Change 52 **(PC52).** I was involved in preparing these submissions, and I have been asked by Heritage New Zealand to assist by provide planning evidence on PC52.

2.2 In preparing this evidence I have been informed by the following key documents:

(a) Proposed District Plan Change 52, including the Section 32 Evaluation Report (**s32 report**);

(b) The Greater Wellington Regional Policy Statement 2013 (**GWRPS**);

(c) The City of Lower Hutt Operative District Plan (**the District Plan**);

(d) New Zealand Historic Places Trust[1] Sustainable Management of Historic Heritage Guide No. 3 District Plans; and

(e) The submissions and further submissions on PC52.

2.3 I have read the Section 42A Officer's report for PC52 prepared by Mr Nathan Geard for Hutt City Council (**HCC**), and read the evidence for this hearing from Ms Karen Astwood, Area Manager for Heritage New Zealand.

2.4 My evidence relates to the following matters:

(a) Statutory framework and policy direction, and the inclusion of heritage places on the District Plan heritage schedules.

(b) Ownership and inclusion of heritage places on Appendix Heritage 2 of the District Plan.

(c) The inclusion of list entry numbers of the New Zealand Heritage List/ Rārangi Kōrero (the List) in Appendix Heritage 1 of the District Plan.

2.5 My evidence does not address all parts of the Section 42A report, in particular where it is recommended that the submission accepts the changes sought by Heritage New Zealand as relates to an amended legal description and referring to Heritage New Zealand Pouhere Taonga, as I accept those recommendations in the S42A report.

## 3.0 STATUTORY FRAMEWORK AND POLICY DIRECTION AND THE INCLUSION OF HERITAGE PLACES ON THE DISTRICT PLAN HERITAGE SCHEDULES

***Statutory Framework and Policy Direction***

3.1 Under section 6(f) of the RMA the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. This places a duty on district councils to recognise historic heritage in order to provide for such protection.

3.2 The proposed plan change principally seeks to add new heritage places on the schedules of the District Plan to provide for alignment with the List. Section 74 (2)(b)(iia) of the RMA requires territorial authorities, when preparing a change to the district plan to have regard to any relevant entry on the New Zealand Heritage List/ Rārangi Kōrero.

3.3 The preparation and maintenance of the List is part of Heritage New Zealand's responsibilities for historical and cultural heritage under the Heritage New Zealand Pouhere Taonga Act 2014. Inclusion on the List provides for recognition of the heritage significance of these places. It does not provide for regulatory protection, which is afforded under District Plans.

3.4 The GWRPS 2013 provides direction for the identification and management of historic heritage. Objective 15 seeks *"Historic heritage is identified and protected from inappropriate modification, use and development."* Associated policies provide for identification,

[1] Now Heritage New Zealand Pouhere Taonga

protection and management of historic values including under Policy 21[2], which sets direction for district plans to identify places, sites and areas with significance heritage values against a set of criteria.

3.5 The District Plan, under Chapter 14F – Heritage Buildings and Structures, provides a framework for the identification and protection of heritage through the introductory paragraphs, the objective, policies, and rules and the inclusion of places within the heritage schedules in the chapter appendices. Of relevance for PC52 are the schedules at Appendices 1 and 2.

3.6 Appendix Heritage 1 (i) schedules places listed by Heritage New Zealand, whereas Appendix Heritage 2 contains other Heritage Buildings and Structures. The introduction to Chapter 14F, at paragraph (b) makes a specific connection to Appendix Heritage 1(i), and describes how Appendix Heritage 1 includes those places listed with Heritage New Zealand. Provision is made within the Chapter for other individual buildings and structures to be identified as heritage places and included in Appendix Heritage 2. Paragraph (c) of the introduction describes how those places which make a notable contribution to local heritage are listed in Appendix Heritage 2.

3.7 In summary, there is higher order policy direction and District Plan framework leading to a significant requirement to identify and manage historic heritage at the District level.

***Inclusion of specific places on the Heritage Schedules of the District Plan***

3.8 The submission of Heritage New Zealand supported the respective additions, transfer or removal of places in relation to the Heritage Schedules. This includes:

(a) The addition of Nash House and the former Lower Hutt Fire Station to Appendix Heritage 1.

(b) The addition of the ANZAC Memorial Flagpole and the former Petone Magistrate's Court to Appendix Heritage 1 (and associated removal from Appendix Heritage 2).

(c) The addition of the former Naenae Post Office to the Heritage Schedules, although through placement onto Appendix Heritage 1 and not Appendix Heritage 2 as proposed by PC52.

(d) The removal of Dudley Cottage from Appendix Heritage 1.

3.9 Nash House, the former Lower Hutt Fire Station, the ANZAC Memorial Flagpole and the former Petone Magistrate's Court are all entered on the List. PC52 proposed changes to reflect their inclusion on the List, and therefore achieve alignment with the List.

3.10 Ms Astwood, in her evidence (at paragraphs 9.1 to 12.2), discusses the inclusion of these places on the List, and supports the respective addition or transfer onto Appendix Heritage 1.

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[2] GWRPS, Policy 21 - Identifying places, sites and areas with significant heritage values – district and regional plans

3.11 I rely on Ms Astwood's evidence for the overview of detail about these List entries, including heritage values, and entry details, which includes when they were entered onto the List.

3.12 In the context of the framework for inclusion of places in the District Plan (as outlined in paragraphs 3.1 – 3.7 of my evidence), and further informed by Ms Astwood's evidence, I support the recommendation by Mr Geard in the S42A report to accept the Heritage New Zealand submission, and to accept the respective additions (including removal from Appendix Heritage 2 as necessary).[3] I recognise these submission points are accepted in part, insofar as the inclusion of the places onto the Appendix, although the List entry numbers are not agreed for inclusion by Mr Geard. I address the issue of List entry numbers being added to Appendix Heritage 1 in paragraphs 5.1 – 5.2 of my evidence.

3.13 The addition of these heritage places recognises their significance for inclusion in the District Plan and achieves alignment with the List.

3.14 In contrast to the above places, Naenae Post Office is not entered on the List, although it was recently nominated for the List. I recognise and support the recommendation by Mr Geard in the S42A report (paragraphs 70 – 76) to accept the Heritage New Zealand submission to include Naenae Post Office on Appendix Heritage 2.

3.15 In forming a view regarding whether the former Naenae Post Office should be included in the Heritage Schedules I was informed by the evidence of Ms Astwood. Paragraphs 14.1 to 14.13 of Ms Astwood's evidence addresses the nomination of Naenae Post Office for the List, and discusses the heritage values demonstrated in the former Post Office.

3.16 I am informed by and rely on Ms Astwood's evidence, that this place demonstrates such values. It has been considered by Ms Astwood as a notable contributor to local heritage. Consistent with the framework for inclusion of places into the District Plan, including Appendix Heritage 2 (and as outlined in paragraphs 3.1 – 3.7 of my evidence), the former Naenae Post Office merits scheduling in the Plan.

3.17 The inclusion in the Plan Schedules will provide for their specific identification and recognition and they will be afforded regulatory protection under the objectives and provisions of the District Plan.

3.18 In the S42A report Mr Geard recommends accepting Heritage New Zealand's submission to include the Naenae Post office to Appendix Heritage 2. I agree with this recommendation, and I am of the opinion that that inserting into Appendix Heritage 1 would be premature.

3.19 I agree and support Mr Geard's recommendation (at paragraph 75) in relation to a future plan change. I agree with such an approach that a future plan change process could respond to any future inclusion of the Naenae Post Office on the List.

3.20 In relation to Dudley Cottage, I refer to and rely on Ms Astwood's evidence which provides further detail to support the Heritage New Zealand submission in clarification of Dudley Cottage having being removed from the List, and therefore from the District Plan.

[3] I note that Mr Geard makes further specific recommendations on other parts of Heritage New Zealand submission, including the addition of List entry numbers.

## 4.0 OWNERSHIP AND INCLUSION OF HERITAGE PLACES ON APPENDIX HERITAGE 2 OF THE DISTRICT PLAN.

4.1 In the Section 42A report Mr Geard addresses matters of ownership, with this having been raised in the submission of Mr Neil McGrath, and to which Heritage New Zealand made a further submission in opposition to this submission.

4.2 I endorse the approach taken by Mr Geard to consider issues of scope, and in the event that the submission by Mr McGrath is within scope I recognise and support the recommendation to not accept the submission (and therefore to accept the further submission of Heritage New Zealand).

4.3 I am of the view that the inclusion of any wording in the introduction of Chapter 14F concerning requiring the express permission of the property owner for entry of places on Appendix Heritage 2, would place significant constraints on what is scheduled in this appendix, and that this would be contrary to the relevant policy framework, including which makes no specific direction to schedule on the basis of ownership. Further, I endorse the recommendation of Mr Geard which outlines how any such issue would need to go through the necessary investigation, evaluation and consultation through a plan change process.

## 5.0 THE INCLUSION OF LIST ENTRY NUMBERS OF THE NEW ZEALAND HERITAGE LIST/ RĀRANGI KŌRERO IN APPENDIX HERITAGE 1 OF THE DISTRICT PLAN.

5.1 In its submission Heritage New Zealand sought the inclusion of the List entry numbers for places in Appendix Heritage 1.

5.2 In my opinion the addition of these numbers to a heritage schedule is appropriate to include within the District Plan Schedules, however, I recognise the reasons provided in Mr Geard's S42A report (at paragraph 69) to not include these List entry numbers at this time. I support the recommendation in this report that they are identified through a more comprehensive review of Chapter 14F.

## 6.0 CONCLUSION

6.1 My evidence has addressed the statutory and policy framework for including places on the Heritage Schedules of the District Plan. Within this context I have supported the inclusion of places on Appendix Heritage 1. These places are included on the List and justify inclusion in Appendix Heritage 1, specifically in the context of the framework identified.

6.2 I have supported the former Naenae Post Office to be scheduled in the District Plan, and for this to be positioned in Appendix Heritage 2 which schedules other buildings and structures not entered on the List. This provides for consistency with the Plan's framework for including places on Appendix Heritage 1 which are on the List.

6.3 I have addressed the matter of ownership and support that should this be found as within scope that it should not be accepted for the reasons stated which include endorsing the recommendation by Mr Geard, and that it would be contrary to the policy framework.

6.4 Although I support the inclusion of List entry numbers I support the S42A report recommendation for this to occur under a more comprehensive review.

**Caroline Elizabeth Rachlin**

**Planner**

**9 April 2019**