

STAGE 3 - SECTION 32

CHAPTER 9

NATURAL AND CULTURAL HERITAGE

## Contents

1	INTRODUCTION AND STRATEGIC CONTEXT	3
1.1	INTRODUCTION	3
1.2	PURPOSE AND SCOPE OF THE NATURAL AND CULTURAL HERITAGE CHAPTER	4
1.3	PROPOSED CHRISTCHURCH REPLACEMENT DISTRICT PLAN REVIEW: OVERVIEW AND SYNOPSIS	6
1.4	RESEARCH	7
1.5	STAKEHOLDER DISCUSSIONS AND CONSULTATION	8
1.6	TE RŪNANGA O NGĀI TAHU, MAHAANUI KURATAIO LIMITED AND THE RŪNANGA FOCUS WORKING GROUP	9
2	RESOURCE MANGEMENT ISSUES	10
2.1	ISSUE IDENTIFICATION	10
2.2	STRATEGIC PLANNING DOCUMENTS	10
2.3	ORDER IN COUNCIL	12
2.4	RESOURCE MANAGEMENT ISSUES	12
2.4.1	<i>Resource management issues - Indigenous Biodiversity and Ecosystems</i>	12
2.4.2	<i>Resource management issues – Landscapes and Natural Character</i>	14
2.4.3	<i>Resource management issues – Historic Heritage</i>	16
2.4.4	<i>Resource management issues - Trees</i>	20
	SCALE AND SIGNIFICANCE EVALUATION	23
2.5	INTRODUCTION TO SCALE AND SIGNIFICANCE EVALUATION	23
2.6	OBJECTIVES, POLICIES AND RULES	23
2.7	SCALE AND SIGNIFICANCE EVALUATION - INDIGENOUS BIODIVERSITY AND ECOSYSTEMS	24
2.8	SCALE AND SIGNIFICANCE EVALUATION – LANDSCAPES AND NATURAL CHARACTER	25
2.9	SCALE AND SIGNIFICANCE EVALUATION – HISTORIC HERITAGE	28
2.10	SCALE AND SIGNIFICANCE EVALUATION - TREES	32
3	EVALUATION OF PROPOSED OBJECTIVES	33
3.1	EVALUATION OF PROPOSED OBJECTIVE – INDIGENOUS BIODIVERSITY AND ECOSYSTEMS	33
3.2	EVALUATION OF PROPOSED OBJECTIVES – LANDSCAPES AND NATURAL CHARACTER IN THE COASTAL ENVIRONMENT	35
3.3	EVALUATION OF PROPOSED OBJECTIVE – HISTORIC HERITAGE	41
3.4	EVALUATION OF PROPOSED OBJECTIVE – TREES	43
4	EVALUATION OF PROPOSED POLICIES, RULES AND METHODS	45
4.1	SUMMARY OF POLICY OPTIONS	45
4.2	EVALUATION OF PROPOSED PROVISIONS – INDIGENOUS BIODIVERSITY AND ECOSYSTEMS	45
4.3	EVALUATION OF PROPOSED PROVISIONS – LANDSCAPE AND NATURAL CHARACTER IN THE COASTAL ENVIRONMENT	51
4.4	EVALUATION OF PROPOSED PROVISIONS – HISTORIC HERITAGE	62
4.5	EVALUATION OF PROPOSED PROVISIONS – TREES	87
5	CONCLUSIONS - INCLUDING RESPONSE TO STATEMENT OF EXPECTATIONS	91
5.1	RESPONSE TO STATEMENT OF EXPECTATIONS	91
5.2	OVERALL CONCLUSION	92
6	BIBLIOGRAPHY	93
7	APPENDICES	95
7.1	APPENDIX 1 - LINKAGES BETWEEN PROVISIONS	95
7.2	APPENDIX 2 - TECHNICAL REPORT FOR SITES OF ECOLOGICAL SIGNIFICANCE	95
7.3	APPENDIX 3 - LANDSCAPE TECHNICAL REPORTS	95
7.3.1	<i>Appendix 3.1 - Technical Landscape Overview Report</i>	95
7.3.2	<i>Appendix 3.2 - Te Pātaka o Rākaihautū / Banks Peninsula Landscape Review Addendum Report</i>	95
7.3.3	<i>Appendix 3.3 - Ōtautahi / Christchurch Landscape Study</i>	95
7.3.4	<i>Appendix 3.4 - Banks Peninsula Landscape Study - May 2007</i>	95

7.3.5	<i>Appendix 3.5 - Te Pātaka o Rākahautū / Banks Peninsula Landscape Study - Ngāi Tahu Values Addendum</i>	95
7.3.6	<i>Appendix 3.6 - Central City Technical Landscape Overview Report</i>	95
7.4	APPENDIX 4 - TECHNICAL REPORT - HERITAGE	95
7.5	APPENDIX 5 - HISTORIC HERITAGE – APPENDICES	95
7.5.1	<i>Appendix 5.1 - Historic Heritage Summary Data Analysis</i>	95
7.5.2	<i>Appendix 5.2 - Summary of Historic Heritage Non-regulatory Methods and Proposed Heritage Protection Activity Management Plan under the Local Government Act</i>	95
7.6	APPENDIX 6 - SIGNIFICANT TREES TECHNICAL REPORT	95
7.7	APPENDIX 7 - SITES OF ECOLOGICAL SIGNIFICANCE – STATEMENTS OF SIGNIFICANCE	95
7.8	APPENDIX 8 - SIGNIFICANT HISTORIC HERITAGE PLACES – STATEMENTS OF SIGNIFICANCE	95
7.8.1	<i>Heritage Statements of Significance - Banks Peninsula</i>	95
7.8.2	<i>Heritage Statements of Significance - Christchurch</i>	95
7.8.3	<i>Heritage Statements of Significance - Central City</i>	95
7.9	APPENDIX 9 - SIGNIFICANT TREES – STATEMENTS OF SIGNIFICANCE	95
7.9.1	<i>Statements of Significance Significant Trees- Banks Peninsula and Christchurch</i>	95
7.9.2	<i>Statements of Significance Significant Trees- Central City</i>	95
7.9.3	<i>Statements of Significance Significant Trees- Groups of Trees</i>	95
7.10	APPENDIX 10 - THE ECONOMICS OF NATURAL AND CULTURAL HERITAGE ASSETS: RECOMMENDATIONS FOR POLICY DEVELOPMENT	95

# 1 INTRODUCTION AND STRATEGIC CONTEXT

## 1.1 Introduction

This Section 32 evaluation report has been prepared for the proposed provisions of the Natural and Cultural Heritage Chapter (Chapter 9) for the review of the proposed Christchurch Replacement District Plan (pRDP). The evaluation should be read together with the proposed Chapter 9 provisions, and be considered in the context of the other proposed provisions which are occurring over Stage 1, Stage 2 and Stage 3 of the District Plan Review (DPR). This chapter forms part of the proposed provisions of Stage 3 of the DPR.

The district comprises two distinctive broad types of landscapes - the city plains and the Banks Peninsula volcanic landscape. The district's coastal environment extends from Kaitorete barrier beach in the south to the Waimakariri river mouth in the north, and with diversity between, of sheltered estuary and harbours to the isolated, rugged, impressive coastal cliffs of Banks Peninsula.

Given the variety in nature and size and its coastal setting, there are more open and vast features and landscapes through to more tightly woven places and into the more densely populated city environment. With respect to natural and cultural features this equates to variety in nature and size; from smaller, discreet features (which are site specific, often tied to a particular individual land parcel, such as heritage buildings and trees), through to features which cover much larger stretches of land and cover multiple sites. Many of these places within the district are important for their significant values, which can be tangible and intangible values, and these places often intersect both geographically, and in terms of their social, cultural, economic and environment values.

The chapter is based on four broad topic areas of: indigenous biodiversity and ecosystems; landscapes and natural character in the coastal environment; historic heritage; and trees. Chapter 9 is a 'values based' chapter. The district has a range of important natural and cultural heritage resources in relation to these topic areas, and they are valued by Ngāi Tahu, communities and visitors. The resources contribute to social, economic and cultural well-being, and the district's sense of identity. This chapter covers the full extent of the district, including the Central City.

The drivers from higher order documents, and the particular regional and local context, including the significance of the recovery environment, has had a major role in influencing the scope and overall approach (the particular objectives and provisions) for Chapter 9. The chapter has been developed with consideration of the range of options available to manage the natural and cultural resources, including non-regulatory methods, and drawing on the provisions of other zones and overlays.

The report begins with introductory sections covering the purpose and scope of the chapter, the strategic context, and resource management issues. The strategic context includes outlining the research undertaken, and consultation undertaken in the development of the proposed draft Chapter 9 provisions. Following this is a scale and significance assessment, and an evaluation of the proposed chapter objectives and chapter provisions.

Wherever appropriate and relevant, alternative options are considered and their appropriateness is discussed. Concluding the report is a response to the chapter with respect to the Statement of Expectations in the Order in Council.

While the chapter covers a range of topics, it should be recognised, that there are often inter-linkages between these topics and the report should be read in its entirety. This assists in gaining a more comprehensive overview of the proposed provisions, both on their own (per topic) and as 'a package'. This

report draws on a number of technical (expert) reports which are appended to the Section 32, together with a report on the economics of natural and cultural heritage assets.

### 1.2 Purpose and scope of the Natural and Cultural Heritage Chapter

The purpose of the Natural and Cultural Heritage Chapter (hereafter, referred to as the 'Heritage Chapter' or Chapter 9') is to address a range of topics which all have a focus on special 'values'. The topics broadly cover:

- a. Indigenous Biodiversity and Ecosystems
- b. Landscapes and Natural Character in the Coastal Environment
- c. Historic Heritage
- d. Trees

The associated resource management issues apply over multiple sites and areas throughout the district. An example is a site of ecological significance and an outstanding natural landscape (ONL). They may have significant values for a range of reasons and need to be recognised and management appropriately. A further example is a significant tree, which could be located in a heritage setting or within an ONL.

The places and resource management issues also overlay and connect to the zones and activities based provisions within the proposed Plan (covered in other proposed chapters). The diagram within the Technical Landscape Overview Report at Appendix 3.1 further illustrates this point with respect to overlays of landscapes and coastal natural character, and the Rural Chapter (Chapter 17).

At an over-arching level, the purpose and scope of Chapter 9 is to ensure the Council's statutory responsibilities in undertaking the DPR, including higher level policy directions, are reflected in the chapter provisions. This includes provision of appropriate objectives and supporting provisions (policies and rules) concerning the natural and cultural heritage features of the district. This chapter has a considerable focus on matters of national importance in section 6 of the Resource Management Act (RMA), and sections 7 and 8 of the RMA are also of particular relevance. How each of these Part 2 RMA sections is relevant to the topic areas is discussed throughout this report. A key matter for informing the scope, purpose and overall approach has been the strong direction to recognise and provide for certain natural and cultural heritage features as required under the RMA.

The chapter scope and development of provisions has been guided with respect to higher order documents, including national, regional and local policies and plans. This includes the New Zealand Coastal Policy Statement 2010 (NZCPS), the Canterbury Regional Policy Statement 2013 (CRPS), and the Mahannui Iwi Management Plan 2013. The chapter is developed in response to both the requirements of the RMA for preparing proposed plans together with particular attention been given to the local recovery context notably the Order in Council 2014, (including the Statement of Expectations) under the Canterbury Earthquake Recovery Act 2011 (CER Act), and recovery Plans, including the Land Use Recovery Plan (LURP), and the Christchurch Central Recovery Plan (CCRP).

Direction on the nature and focus of objectives and policies, and how decisions will be made are set out in the Statement of Expectations. How this has informed the chapter provisions is discussed throughout this report, including an overall response to the Statement of Expectations in the final section. The Statement of Expectations has an emphasis on removing unnecessary regulatory controls as well as providing direction on how provisions are drafted, and this has been most recently directly reflected in the Independent Hearings

Panel decision of February 2015 in Strategic Objective 3.3.2. The decision on Strategic Directions has furthermore, informed the development of this chapter.

The development of the scope and overall approach of the chapter has been informed by other plans and strategies and from drawing on known issues, and experience (such as ascertained through resource consents). In addition, and as discussed in sections 1.5 and 1.6 of this report, through working with the Rūnanga Focus Working Group (RFWG) and the Collaborative Advisory Group (CAG).

The Operative Christchurch City District Plan (City Plan) and the Banks Peninsula District Plan (BPDP) contain a large and broad suite of objectives and policies in relation to the topics covered within Chapter 9. Early in the development of the proposed provisions, a number of changes were identified that would assist with better identification and management of these natural and cultural resources. In particular, this was to re-focus the objectives and policies so they specifically recognise and respond to the requirements of legislation and higher order documents – including reflecting the direction of, and give effect to relevant statutory documents, in particular the LURP, the NZCPS, CRPS, and the Order in Council. Associated with this, was to then update the plan provisions to give effect to the same documents. There was also a need to streamline the provisions wherever possible to avoid unnecessary overlap of provisions, both this chapter and other chapters.

Alongside understanding the wider strategic policy framework for developing the purpose and scope and then detailed provisions, a primary, or important 'first step' is to identify those natural and cultural heritage resources which merit a level of regulatory protection through a district plan. A range of desk top and field work assessment, including drawing on existing information sources, has been undertaken, and is discussed throughout this report, with a brief overview provided in Section 1.4 Research, below. For this chapter, this has been undertaken through expert assessment which has included the application of consistent, robust assessment methodologies to identify significance features, places or areas for listing in the plan (for example, heritage items, and significant trees). How this work has been undertaken is set out in the expert reports which are appended to this Section 32. For a large proportion of the proposed heritage listings - i.e. those places to be afforded protection (for the broad topic areas outlined above), an individual Statement of Significance (i.e. per site/feature) has been prepared. This information also forms part of the Section 32 Report. For the landscape studies, the recommendations are contained in a series of reports, which are also appended to this report<sup>1</sup>.

The focus of the chapter within the broad topic areas above is to identify and manage, through appropriate objectives and provisions, the following:

- i. Sites of ecological significance
- ii. Outstanding natural landscapes and features
- iii. Significant features and landscapes
- iv. Areas of outstanding and at least high natural character in the coastal environment
- v. Significant historic heritage
- vi. Significant trees

When focusing on how to manage these important features and places, the scope and principle of approach to the provisions is to 'appropriately' manage them. This takes into account the available options, including alternative options which involve regulatory intervention, and alternative approaches to regulation (i.e. use of non-regulatory methods). In most instances the benefits of the use of a package of methods - including

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<sup>1</sup> This Section 32 documentation will provide a resource for district plan implementation for resource consents and plan changes, and in addition for use outside of the district plan, such as for education and advice, and for heritage items to inform assessments for allocation of grants.

both regulatory and non-regulatory methods is necessary. It also includes, where applying regulatory intervention, to consider the appropriate application of activity status, from permitted activities (with no standards or a set of standards) through to requiring consent at differing levels, such as restricted discretionary or non-complying.

Certainty and clarity in identification of the natural and cultural heritage resource to be protected is important for those persons using the plan, and for land owners, and, accordingly for implementation of the provisions. In this respect, proposing lists of features (i.e. district plan schedules) and identification on the planning maps is important, and has informed the development of these parts of the plan. In the case of heritage items and settings (including for example heritage buildings and the area surrounding them which is of significance, i.e. their settings) this has included detailing the heritage item, and heritage setting on aerial maps with these being directly included in the Plan, in the Chapter 9 Appendices. The reason for this approach for this type of natural and cultural heritage feature (as opposed to other features) is explained in the provisions evaluation of this report.

As well as specifically defined features, (i.e. in the schedules and planning maps), the chapter has also been developed to protect, through other methods in the Plan the protection of other natural and cultural features of significance, including areas of significant indigenous vegetation and significant indigenous fauna. As discussed in the indigenous biodiversity section later in this report, this is through management of the clearance of indigenous vegetation. Trees in the street corridor, parks and reserves and open spaces (in Council ownership) are also proposed to be protected through the plan, through the policy framework and provisions, but not through specific identification in a schedule or in the planning maps.

Providing a policy framework to support future identification work, including detailed assessments, working with stakeholders and consultation, is an important component of the chapter, and this has been considered in setting up a policy framework to provide a good basis for future plan change work for the following:

- i. Sites and landscapes of significance to Ngāi Tahu, including wāhi tapu
- ii. Other important landscapes, including historic heritage and historic cultural landscapes
- iii. Historic heritage areas
- iv. Further natural and cultural features (not already identified through Chapter 9) in for sites of ecological significance, historic heritage places, and significant trees.

### 1.3 Proposed Christchurch Replacement District Plan Review: Overview and Synopsis

The review for Chapter 9, as set out above covers four broad topic areas. It focuses on the identification and management of natural and cultural heritage features and to a large extent builds on the use of natural and cultural schedules (or overlays) as was the approach under the Operative Plans. Many of the features listed in the Operative Plans (e.g. trees, heritage buildings, and landscape features, e.g. ONFLs) continue to be proposed for listing in the pRDP. There have been amendments to the schedules, including additions, or removals, and for some topic areas a new type of listing or overlay is proposed. For other topic areas a policy framework is proposed to provide for future work in subsequent plan changes.

The features proposed for inclusion in the district plan, are included in the schedules to Chapter 9. Some other features (not specifically individually identified in the schedules) are also proposed to be afforded a level of protection, albeit via a different regulatory method than specific 'listing' in the Chapter schedules.

The proposed features (to be recognised for protection) have been arrived at through technical assessment work. This is based on updated assessment methodologies, and is discussed in detail in the respective technical reports which form part of the Section 32 evaluation.

The activity based model for the pRDP has resulted in some new and amended definitions and the re-formatting of rules to provide certainty for how the natural and cultural features will be managed. This is through a range in type of regulatory intervention (e.g. permitted with standards, through to non-complying activities).

The provisions have been evaluated against the relevant components of Section 32 of the RMA in the subsequent sections of this report, and are structured under the four broad topic areas which make up this chapter. The chapter objectives and provisions have been drafted with respect to the relevant resource management issues, and in particular the recovery environment. Specific attention has been given to the requirements of the Statement of Expectations of the Order in Council.

Initially, the proposed Strategic Directions chapter, and more recently the decision of the Independent Hearings Panel on Strategic Directions (of 26 February 2015), has informed the further development of Chapter 9. This is within the wider strategic context of recognising and providing for natural and cultural heritage values, for which is specifically provided in Strategic Directions objectives, and as discussed in later sections of this report, and considering those objectives which have been given primacy in the decision.

A total of six objectives are proposed, three of which sit within the landscapes and natural character section. This reflects the inclusion of an objective per topic area of ONFL and Significant Feature and Landscapes, and moreover, the inclusion of the topic of natural character in the coastal environment topic sitting directly with Chapter 9 (as opposed to within the Coastal Chapter).

Chapter 9 does not contain any objectives specifically for the recognition and management of water; however, there are some provisions which do relate to the natural features or overlays within this chapter, such as rivers in Christchurch (e.g. the Otakaro /Avon River) and Te Waihora/Lake Ellesmere. The provisions have been drafted considering jurisdictional considerations for district /local authority in management of this resource, compared to those of the regional authority.

A set of policies relate to each of the proposed objectives, and these are outlined below. Whilst separated into broad topic areas there are linkages between objectives and provisions. The associated rules, definitions, matters of control and matters of discretion range from permitted (with standards), through to the use of restricted discretionary and discretionary activities. A non-complying activity status is proposed for activities which are not anticipated to occur, and are to be avoided. A controlled activity status is proposed for some activities relating to historic heritage, such as heritage upgrade works and reconstruction.

The rules need to be read in conjunction with the relevant definitions and the planning maps and schedules. These assist in providing certainty and clarity on proposed heritage listings covered by the rules and the applicable regulatory controls. Other 'general' type rules do apply, such as for the clearance of indigenous vegetation, for which there also are associated definitions and specific rules and policy direction.

It should be noted that a number of the rules proposed in the chapter will have immediate legal effect when the proposal is publicly notified. This is in accordance with Section 86(B)(3) of the RMA. Those which have immediate legal effect are specified in the proposed chapter.

### 1.4 Research

In undertaking this review the Council has carried out (or commissioned) a significant level of technical / expert work. This has been carried out by both internal and external experts.



A summary is provided below, and detail is provided in the evaluative sections of the report and the specific technical reports. The individual technical reports should be referred to directly for a full understanding per topic area of:

- a. Explanation of the topic areas, including context and background
- b. Issues and overall approach
- c. Work which has been undertaken to propose natural and cultural heritage listings (including the particular methodologies applied, information sources relied on, including prior work /studies undertaken).
- d. Recommendations to inform planning provisions
- e. Recommendation for future work, e.g. through subsequent plan changes

A report on the Economics of Natural and Cultural Heritage at Appendix 10 relates to all of the topics in Chapter 9.

The following are the main technical reports prepared for the Section 32 (provided separately as Appendices). For points 1, 3, and 4, these reports are also supported by sets of 'Statements of Significance' relating to specific features/places within these topic areas. These are also contained in the Section 32:

1. A report for Sites of Ecological Significance
2. Landscape Technical Reports (5 separate reports – refer to the Overview report at Appendix 3.1 for explanation of the various work undertaken and what is comprised in reach report)
3. Heritage technical report (with a focus primarily on topics relating to the definition of 'historic heritage' in the RMA, but also relating in part to one of the sub topics in the landscape topic, i.e. other important landscapes).
4. A Technical Report relating to Significant Trees
5. A report on the Economics of Natural and Cultural Heritage Assets: Recommendations for Policy Development.

### 1.5 Stakeholder Discussions and Consultation

In preparation of the draft chapter, stakeholder discussions have been held with statutory partners and a range of other stakeholders. This is outlined below. A separate section relating to the work Council has undertaken with Te Rūnanga o Ngāi Tahu, Mahaanui Kurataio Limited (MKT), and the Rūnanga Focus Group is also outlined below.

The CAG comprising representatives of the Canterbury Regional Council, Selwyn District Council, Waimakariri District Council, Canterbury Earthquake Authority, New Zealand Transport Agency, Te Rūnanga o Ngāi Tahu, and the Ministry for Environment (in an advisory role) has provided feedback throughout 2014 and until March 2015, on the scope of the chapter, the issues and overall approach, and on draft provisions.

For a number of the CAG meetings, invitations were extended to a range of other organisations or groups. This has included (amongst others), Heritage New Zealand Pouhere Taonga, the Department of Conservation (representatives of which regularly attended the CAG meetings), and Forest and Bird.

Regular meetings and workshops have been held throughout 2014 with the Banks Peninsula Steering Group. These meetings related (broadly) to the chapter topic of indigenous biodiversity and ecosystems. These meetings (and workshops) were a continuation of an already established working group. Further detail is provided in the Sites of Ecological Significance Technical Report at Appendix 2.

No further discretionary consultation was undertaken subsequent to the Council decision to adopt a truncated process (from February 2015). Statutory consultation was undertaken following this date, through a meeting with the CAG to which Ministers of the Crown were also invited.

### 1.6 Te Rūnanga O Ngāi Tahu, Mahaanui Kurataio Limited and the Rūnanga Focus Working Group

Development of this chapter has been undertaken through working with MKT, Te Rūnanga o Ngāi Tahu and the Rūnanga Focus Working Group. This is in addition to the CAG meetings and workshops as identified above, which have involved a representative of MKT to provide input for Ngāi Tahu.

Meetings and workshops were held with MKT and Ngāi Tahu and the Rūnanga Focus Group throughout 2014 and into early 2015. The following summarises the main meetings or workshops:

- Meetings during 2014 with the RFWG and Council officers. The purpose of these meetings varied; including outlining the broad approach for the chapter; updates on technical assessment work (progress); and on drafting of chapter planning provisions. Regular feedback was sought, including provision of a draft chapter in December 2014, and landscape reports provided for consideration and feedback, together with workshops on the landscape topic area.
- Two workshops on the Christchurch Landscape Study with RFWG and Council officers and a meeting to discuss the Addendum report for Banks Peninsula. Further detail is provided in the Landscape Technical Report (at Appendix 3) on the focus of these workshops.
- Meetings with officers from MKT and council officers held from September 2014 concerning the significant trees topic. This was for the purpose of the RFWG to contribute to the technical assessment work and chapter provisions relating to tānagta whenua values associated with trees. This was used to inform the development of this chapter topic and technical work (wherever practicable within the timeframes).
- September 2014 - Meeting with Council officers and representatives for Ngāi Tahu and from MKT concerning primarily sites or places of cultural significance and cultural landscapes. This was to discuss a preferred approach to understand and progress identification (and thereby future mapping and management) of wāhi tapu and wāhi taonga and cultural landscapes. As part of the meeting, the need for consideration of different ways to provide for wāhi tapu and wāhi taonga in the Plan was discussed. This is due to the important and sensitive nature of this aspect of historic heritage. The need for a project brief (to assist in preparing a process / project plan to undertake the work) would support this. On the basis of the discussion at the meeting on 12/09/2014 and subsequent correspondence /meetings, Council officers are of the understanding that a project brief would be drafted and provided to Council. This would form the basis of a starting point for discussion to set out a programme of work.
- December 2014 – Meeting with Council officers and representative Ngāi Tahu and MKT, which included a topic of developing an appropriate approach to identifying and manage places of cultural significance to Ngāi Tahu. Through discussion it was recognised that a comprehensive approach is necessary and suitable time afforded (outside of the DPR) with a need for some work to be undertaken through a future work programme. Thereby the approach sought was; proceed with a process policy within the DPR with work on the sites (for wāhi tapu and wāhi taonga) to start in 2016. The need to proceed with a process policy for cultural landscapes was also discussed. The difference in the extent of the silent file areas boundaries (refer next point) was discussed and a subsequent meeting was set up.
- Meeting in January 2015 with a representative from MKT and Council officers, regarding sites of Ngāi Tahu cultural significance, including Silent File areas. This concerned which layers to use (those within the Mahaanui Iwi Management Plan 2013 or those in the BPDP). This was recognising the difference

in the extent of boundaries of Silent File areas in the Operative BPDP and within the Mahaanui Iwi Management Plan 2013.

## 2 RESOURCE MANGEMENT ISSUES

### 2.1 Issue Identification

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

- a. Primary and secondary research
- b. Monitoring and review of current district plans
- c. Issues identified in other documents and plans, including within the CRPS<sup>2</sup>, and in the Mahaanui Iwi Management Plan (IMP) 2013.
- d. Matters raised in various forums by statutory partners and key stakeholder(s)/advisory groups, such as through the CAG, the Banks Peninsula Steering Group and through working with Ngāi Tahu and the RFWG.
- e. Input from experts involved in assessing and processing resource consents, such as heritage experts and the city's Arborist. This includes drawing on their experience in emergency response phase and recovery phases.
- f. Through on-site assessment work and survey work.
- g. Work undertaken in preparation for plan changes prior to the Canterbury earthquakes.<sup>3</sup>

### 2.2 Strategic Planning Documents

The strategic planning documents broadly identify the resource management issues for the district and provide the higher level policy direction to resolve these issues. Those strategic provisions that have been taken into account in the Natural and Cultural Heritage Chapter are summarised in Table 1 below.

The Strategic Directions chapter contains higher order objectives to reflect the outcomes sought in strategic planning documents. An assessment of these objectives and policies is contained within the Section 32 Strategic Directions report. The Independent Hearings Panel decision on the Strategic Directions chapter has been considered in the further preparation of the chapter objectives and provisions.

*Table 1 – Higher order and guiding documents to the Natural and Cultural Heritage Chapter*

<sup>2</sup> Particularly the following chapters of the CRPS: Chapter 2 - Issues of Resource Management Significance to Ngāi Tahu; Chapter 8 - the Coastal Environment, Chapter 9 - Ecosystems and Indigenous Biodiversity; Chapter 12 - Landscape, Chapter 13 - Historic Heritage,

<sup>3</sup> Including preparatory work on drafting plan changes on Sites of Ecological Significance (SES) and for historic heritage. This included for SES, working with the Banks Peninsula Steering Group, and for heritage (amongst a range of matters) consultation in 2006 on an Issues and Options paper.

Document (Statutory obligation in italics)	Relevant provisions the Chapter is required to take into account/give effect to. <sup>4</sup>
New Zealand Coastal Policy Statement 2010 (NZCPS) – <i>proposed District Plan must give effect to.</i>	NZCPS directs the preservation of the natural character of the coastal environment and protection of natural features and landscapes. A number of relate provisions are of relevance as discussed in later section of the report.
The CRPS – <i>must give effect to</i>	A number of provisions in various chapters of the CRPS are relevant, including those within Chapter 2, 8, 9, 12 and 13.
The Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha 2012 – <i>must not be inconsistent with</i>	The Recovery Strategy sets out six components of recovery with associated goals. The natural and cultural environment (Section 14 - Cultural recovery, and Section 17 - Natural Environment Recovery) are particularly relevant
The LURP - <i>must not be inconsistent with</i>  <i>(&amp; for Central City (refer separately the) Chapter 13 the Christchurch Central Recovery Plan 2012.</i>	Action 45 directs the District Plan review to reduce consenting and notification requirements.  Although not directly required to be taken into account for Chapter 9, the provisions of the CCRP have also been considered in the preparation of the chapter given the chapters 9 and 13 broadly cover the same topic areas.
The Christchurch Central Recovery Plan	Relevant for all Natural and Cultural Heritage matters, particular given changes were made to the Operative District Plan as a result of the CCRP.
The Mahaanui Iwi Management Plan 2013 – <i>must take into account</i>	Directs the participation and particular interests of Ngāi Tahu and Papatipu Rūnanga are recognised and provided for in development and use of resources.
Adjoining district Plan provisions – Selwyn District Council, and Waimakariri District Council – <i>shall have regard to.</i>	Includes relevant cross boundary issues are identified in adjoining district plans.
Relevant entry on the New Zealand Heritage List/Rārangi Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014 - <i>shall have regard to</i>	Council to have regard to any relevant entry. This relates primarily to the historic heritage topic of this chapter.

\*This table outlines main documents. Other documents and plans have been considered, including Regional Plans, as well as Strategies, such as Council’s Open Space Strategy.

2.3 Order in Council

The process for the DPR is prescribed by the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014. The Order modifies the provisions and application of the RMA in relation to the review of the Christchurch district plans and preparation of a replacement District Plan. The Order states that the Council must have particular regard to the Statement of Expectations (Schedule 4 of the Order).

The particularly relevant expectations for Chapter 9 - Natural and Cultural Heritage from the Statement of Expectations include the following clauses:

- a. *clearly articulates how decisions about resource use and values will be made, which must be in a manner consistent with an intention to reduce significantly (compared with the existing district plans) —*
  - (i) *reliance on resource consent processes; and*
  - (ii) *the number, extent, and prescriptiveness of development controls and design standards in the rules, in order to encourage innovation and choice; and*
  - (iii) *the requirements for notification and written approval;*
- b. *contains objectives and policies that clearly state the outcomes that are intended for the Christchurch district*

...

- i. *uses clear, concise language and is easy to use*

An overall response of how the chapter responds to the Statement of Expectations is set out in the final section of this report.

2.4 Resource management issues

2.4.1 Resource management issues - Indigenous Biodiversity and Ecosystems

RESOURCE MANAGEMENT ISSUE - INDIGENOUS BIODIVERSITY AND ECOSYSTEMS – ISSUE 1  
 Loss and modification of indigenous vegetation, habitat and wildlife through inappropriate development or activity and the spread of animal and plant pests.

The RMA identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as being a matter of national importance. This is reflected in the NZCPS and the CRPS.

In many cases, the only reason that ecological values remain is due to the care of the landowner of the property on which those values are located, in conjunction with the work of groups such as the Banks Peninsula Conservation Trust. These values are still, however, vulnerable to land use change (for example, financial pressures on landowners which may lead to the clearance of indigenous vegetation to increase the area of productive land available) and the process of identifying and protecting areas containing these values is necessary in ensuring the these areas are protected for future generations.

<sup>4</sup> With more detailed attention given to provisions in these documents throughout this section evaluation

Pest plant and weed management is an issue with significant cost implications, and continued or expanded protection is dependent on the economic capability of landowners and society to sustain the management costs long term. In the case of pest management many years of beneficial pest control can be quickly undone by lack of funding continuity.

RESOURCE MANAGEMENT ISSUE - INDIGENOUS BIODIVERSITY AND ECOSYSTEMS - ISSUE 2  
 Identification and management of indigenous biodiversity of significance in Christchurch District

As a matter of national importance the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from activities and development that can diminish the identified values is imperative. The need for consistent assessment of these areas is more straightforward now than in the past and there are best practice standards, and particularly the CRPS and NZCPS set out the criteria to be used within the Canterbury Region for such evaluation.

Within urban Christchurch and the plains, and even on Banks Peninsula, very few habitats are ecologically the same as those that occurred in pre-human or even pre-European times. A good understanding of ecosystem process and its interaction with land uses combined with management flexibility (adaptive management) is required to manage ecological systems sustainably in the district. (Places such as Pūtārikamotu/Riccarton Bush, Hays Bush at Pigeon Bay, some sites at McLeans Island, and the pīngao dunes of Kaitōrete Spit have been identified as examples of ecosystems that represent a pre-human or even pre-European natural state.

Other ecosystems such as the Port Hills and Banks Peninsula short tussock grasslands only exist and are held in a transitional state because of human inputs. These systems need to be managed in an appropriate way to protect ecological values. This, however, presents a number of ecological and farm management challenges including protection of native species palatable to stock<sup>5</sup>, stock health, fire risk and weed control.

In some special cases native species are now reliant on totally modified ecosystems. For example the New Brighton dune system retains a reasonably large number of endemic native invertebrates but few native plants. In these places ecosystems are functioning using different assemblages of species from the pre-human state but still have biodiversity values.

For these reasons, it is important that objectives, policies and rules place considerable reliance on site based management plans and other targeted site management methods in order to achieve ecological and biodiversity resource management objectives for the district.

<sup>5</sup> Palatable native species are indigenous plant species which are palatable to stock, and which therefore, may need protection from grazing as appropriate.

2.4.2 Resource management issues – Landscapes and Natural Character

RESOURCE MANAGEMENT ISSUE - LANDSCAPE ISSUE 1

Need to identify the qualities (or values) which make the district’s landscapes and features outstanding and significant.

The district comprises two highly distinctive broad types of landscapes - the city plains and the Banks Peninsula volcanic landscape. This juxtaposition provides benefits to the district where two contrasting landscapes bring diversity, interest, and opportunities - economic, social, cultural, and environmental.

In recent years under the operative BPDP and the City Plan the focus of regulatory controls, education and awareness of the district’s landscapes has been on the visual qualities, although even these visual qualities could be better recognised across parts of the district.

There is a need to better recognise and provide for the multiple values which make these places especially important to the district, including for instance their natural attributes, visual qualities, how a person perceives /experiences the landscapes and cultural values. The special relationship of Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga is an important part of landscape assessment.

Lack of depth of understanding and recognition of the range of qualities which make landscapes and features outstanding and significant can undermine their integrity and future management. In Christchurch some of these landscapes and features include the last remaining remnants of pre-European landscapes and are particularly important in representing the city’s natural and cultural heritage.

While Banks Peninsula landscapes have been well documented in the Banks Peninsula Landscape Study (2007), Christchurch’s distinctive landscapes have not been identified to date. The need for up to date analysis and associated recognition of places within Christchurch has led to the Otautahi/Christchurch Landscape Study (2014)<sup>6</sup>. These two studies, as well as a further study undertaken for Banks Peninsula<sup>7</sup>, form the basis of the identification of the qualities which make landscapes and features outstanding and significant.

Within the regulatory framework there is a need to better define the values of particular landscapes. This will assist in identifying the activities that can appropriately continue and threats that need to be managed.

RESOURCE MANAGEMENT – LANDSCAPE ISSUE 2

Inappropriate development can adversely impact on the qualities of Outstanding and Significant Natural Features and Landscapes

Inappropriate subdivision, use and development can adversely impact on the qualities of Outstanding and Significant Natural Features and Landscapes, including their biophysical, sensory, and associative values.

<sup>6</sup> Refer Appendix 3.3

<sup>7</sup> Refer Appendices listed under Appendix 3 for all landscape studies undertaken for Chapter 9.

These landscapes and features are distinctive within the district, especially for their naturalness which often contrasts with the highly modified urban context/surrounding environments. Their natural and cultural values are valued by people and communities and need to be afforded a commensurate level of protection and enhanced where possible. The protection afforded is tiered relative to status – Section 6 of the RMA in respect of ONL's and ONF's and Section 7 in respect of significant features and landscapes (including Banks Peninsula Rural Amenity Landscape)<sup>8</sup>.

Outstanding and Significant Natural Features and Landscapes are sensitive to adverse effects from many kinds of development. Development can impact on openness, naturalness, interrupt views, damage a landform or result in partial or complete loss of a feature. Examples of activities include new buildings and structures, residential development, forestry, quarrying, earthworks, new access tracks, and roads. There is, nonetheless, a need in to allow for some flexibility over the nature and extent of use and development within these areas (and regulatory intervention levels) so that people and communities can still provide for their economic, cultural and social well-being, such as for farming, conservation, tourism and recreational activities.

**RESOURCE MANAGEMENT – LANDSCAPE ISSUE 3 –**

Inappropriate development can adversely affect the natural character in the coastal environment.

The natural and recreational attributes of the coast and its attraction as a place to live and visit places pressure on the coastal environment. Inappropriate activities in areas of natural character in the coastal environment can undermine landscape qualities and detract from the natural character of the coastal environment.

Some parts of the district's coastal area are currently identified as a Coastal Natural Character Landscape under the BPDP.

There is a need to update and refine this assessment of areas of natural character in accordance with the directions of the NZCPS including to a level which distinguishes areas of outstanding, and at least areas of high natural character (Policy 13 – Preservation of natural character).

**RESOURCE MANAGEMENT - LANDSCAPE ISSUE 4**

Need to recognise cultural landscapes

The qualities of cultural landscapes are yet to be assessed and formally recognised in the Plan.

Cultural landscapes may be recognised, maintained and appropriately managed (including enabling people and communities to provide for their economic, cultural and social well-being). These may be important to people and communities especially to tangata whenua. Inappropriate subdivision, use and development have the potential to adversely impact on the values and integrity of these landscapes.

There is little guidance on the criteria or methodology for recognising some types of landscapes and it is an evolving issue around the country. The CRPS sets an expectation for the recognition

<sup>8</sup> Other sections of Part 2 of the RMA are also relevant given the multiple and often overlapping values concerning these features and landscapes. Relevant sections are discussed in subsequent sections of this report.



and management of such areas (refer Chapters 12 - Landscape, and Chapter 13 - Historic Heritage). However, there is some uncertainty of how to achieve this, in particular concerning cultural landscapes (referred to in Chapter 13 as Historic Heritage and Historic Cultural Landscapes). This is in contrast to the significant features and landscape work undertaken for this review (and as discussed in the landscape report) for which a methodology has been utilised to determine 'significant' through this work being closely aligned to the process of identification of ONFLs, albeit the resultant significance being determined as significant rather than outstanding.

There is a need for future decisions to be made on the methodology and approach for cultural landscapes so that it is clear how they will be assessed and proposed for future inclusion in the district plan.

### 2.4.3 Resource management issues – Historic Heritage

#### RESOURCE MANAGEMENT – HISTORIC HERITAGE ISSUE 1

##### Significant loss of heritage items impacts on district identity

Historic heritage is as a matter of national importance under section 6(f) of the RMA. This importance is reflected in the CRPS. The district's heritage places are valued by the community and have a role in economy, social and cultural well-being, including contributing to the district's character and sense of identity.

The high loss of heritage places as a result of the earthquakes has highlighted the extent to which heritage places function as cultural anchors in a modified built environment, and the importance of protecting the heritage values of the district's remaining heritage resource. The role of historic heritage in the cultural recovery of the district following the Canterbury Earthquakes of 2010-2011 is recognised in the Canterbury Earthquake Recovery Authority's Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha 2012.<sup>9</sup>

There has been a very high loss of listed heritage items as a result of the earthquakes<sup>10</sup>. Detail on the extent of loss is set out in the Appendices to this section, including in the Technical Report - Heritage at Appendix 4 and in Appendix 5.1. These documents also detail the extent of proposed heritage listings.

Heritage places which are not protected, or are inadequately protected in the District Plan (for example, due to the way they are represented in the schedule or on the planning maps), may be lost through subdivision and development.

The City Plan and BPDP, notified in 1995 and 1997 respectively, contain two different approaches to heritage listing and different policy and rules frameworks. With respect to the assessment methodology utilised for evaluating heritage significance, and how this has needed to be updated is set out in the Technical Report Heritage - Appendix 4<sup>11</sup>. It should be noted that as a result of this assessment a number of currently listed heritage items no longer meet the revised threshold for 'significance'.

<sup>9</sup> Refer to Section 3.5 Scale and Significance for historic heritage for further detail. In addition, the report by Market Economics at Appendix 10 - The Economics of Natural and Cultural Heritage Assets: Recommendations for Policy development discusses heritage value and the role in recovery.

<sup>10</sup> The highest loss has been in the Central City (43% of listed heritage demolished since the earthquakes). Approximately one third of the listed heritage items in the Christchurch City Plan have been demolished. Ten percent of the heritage items (listed in the BPDP) have been lost, and approximately one quarter of the listings in the Lyttelton urban area have been lost.

<sup>11</sup> Refer to Figure 1 of the Heritage Technical Report for a summary of the heritage assessment methodology undertaken.

The settings of heritage items reflect the contextual values of the heritage item and contribute to significance, but few are protected in the Operative Plans. Many heritage places are likely to meet the threshold for listing of heritage items but are not currently protected. Other potential heritage items have not yet been identified and these are at the greatest risk of loss to the district through inappropriate subdivision, use and development.

Thematic research programmes for both Christchurch and Banks Peninsula heritage have identified gaps in the range of aspects of the district's heritage and types of the district's heritage protected in the district plans. These deficiencies are able to be addressed through the DPR to a limited extent with a programme of future plan changes to work towards a more comprehensive schedule of heritage places will be required.

Since 1995, and prior to the September 2010 Canterbury Earthquake, 23 heritage items in the City Plan were lost from the heritage schedule as a result of relocation (five items – comprising all Group 3 and 4 items), and as a result of demolition (18 – four Group 2, 14 Group 3 and 4). The lower protection of Groups 3 and 4 as illustrated in the descriptions in the City Plan of Group 3 (protection “important”) and Group 4 (protection “desirable”), compared with Group 1 (protection “essential”) and Group 2 (protection “very important”), played a role in this, coupled with associated policy framework and activity status. The four group classification system and supporting planning provisions, is problematic in the maintaining heritage.

The schedule for heritage places in the City Plan is divided on a geographical basis, with items of international or national significance afforded higher levels of protection than those of regional and metropolitan significance. The BPDP has a two group classification with 'protected' items on the Heritage New Zealand Pouhere Taonga List in a higher group than 'notable' items of importance to the local community. Issues with a highly tiered approach to classifying heritage items in the Heritage Schedules together with the way the Plan prescribes the management sets of these significant places has been highlighted by the lower prioritisation of Group 3 and 4 and Notable items in the CERA process to address dangerous buildings in the immediate post-earthquake context. It is noted that following the 13 June 2011 earthquake Council's input on proposals (considered via CERA) for make safe, partial or full demolition was on Group 1 and Group 2 and protected buildings only.

**RESOURCE MANAGEMENT – HISTORIC HERITAGE ISSUE 2**

**Loss of heritage fabric and values through inappropriate subdivision, use and development**

The district's significant heritage items need to be protected from inappropriate activities and development. A level of change to heritage places will be necessary to retain, maintain and adapt significant heritage places for ongoing, viable use in an earthquake recovery context. Heritage conservation principles, processes and practices need to be applied to ensure that change protects heritage fabric, values and significance to the highest extent possible.

A number of the heritage items which do not meet the revised significance threshold and are not proposed to be carried over from the operative plans. This can be attributed for a number of reasons, including to the cumulative effects of inappropriate alterations over the years impacting on heritage values (Refer Appendix 4 - Technical Report – Heritage, Section 6 for discussion on evaluating significance).

A large scale single alteration proposal can also have significant effects on heritage fabric and values. Alterations or work to achieve Building Code compliance may result in unnecessary loss of heritage fabric, or impact adversely on heritage fabric, where alternative solutions to meet the Building Code are available. Additions may, for example, inappropriately contrast with the heritage fabric and values in form, scale and materials, where they could have been designed in sympathy. It is important that upgrade works can be carried out. However, adverse effects of these proposals need to be controlled, particularly for places of high importance to the district.

Relocation of heritage items may have significant impacts on heritage values - both to an item and to a setting, such as the loss of contextual significance. Relocation beyond the heritage setting is a last resort, but where there is no feasible alternative, does provide for the future opportunity to relocate to an appropriate context, or in some instances to an original context. Demolition has significant environmental effects where it results in the complete loss, or almost complete loss, of heritage fabric and values and should be avoided<sup>12</sup>.

Activities relating to heritage items and settings are controlled differently in the two plans. While the operative plans control new buildings on the 'site' of heritage items, the extent of the contextual values of the heritage item (its setting) are not recognised directly in either plan for most heritage items.

Rules applying specifically to the Central City were inserted by the Christchurch Central Recovery Plan (CCRP) 2012 during the post-earthquake recovery phase. These provisions should be aligned across the district (where appropriate) with provisions for Chapter 9, to provide for the consistent protection of heritage fabric and values, and in addition to reflect the recovery context.

Under the CCRP repairs to heritage items were made permitted. Repairs are permitted in the BPDP, but in the City Plan they have been treated as 'alterations' to control the potential effects from use of inappropriate methodologies. The subsequent evaluative sections of this report cover the proposed provisions of repairs and maintenance to be a permitted activity (subject to standards).

Interior heritage fabric is currently protected in the City Plan and restoration works controlled (including Central City), but not in the BPDP. The emphasis in the BPDP has been on protecting the character of the streetscape. The Akaroa Historic Area (listed by Heritage New Zealand Pouhere Taonga) is currently recognised in the BPDP by controls limited to streetscape rules. Notable heritage buildings (Appendix V, BPDP) in the Town Centre and Residential Conservation zones are subject to the same design and appearance rules of all buildings in those zones. In the City Plan, the emphasis of the heritage rules has been on protecting all heritage fabric including interior fabric.

**RESOURCE MANAGEMENT – HISTORIC HERITAGE ISSUE 3**

Under representation of some types of historic heritage from the historic heritage schedules.

The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu and other taonga is a matter of national importance under section 6(e) of RMA. Historic cultural and historic heritage landscapes are required by the CRPS to be protected from inappropriate subdivision, use and development in the District Plan. The NZCPS requires

<sup>12</sup> Later sections of this report consider the issues concerning particular activities and development to heritage items and settings.

identification, protection and integrated management of coastal heritage (refer in particular to Policy 17, NZCPS).

Historically, sites and landscapes of Ngāi Tahu cultural significance (of significance to the iwi which has manawhenua in the district) have not been comprehensively managed in the district plans. Approaches have been limited in both understanding and access to information. A partnership approach is needed with Te Rūnanga o Ngāi Tahu and Papatipu Rūnanga to recognise and identify wāhi tapu and wāhi taonga, and landscapes of Ngāi Tahu cultural significance for protection in the District Plan.

Cultural landscapes are not currently protected in the district plans. The focus of cultural landscapes is generally on identification and protection of a broad range of natural as well as tangible and intangible cultural heritage values. In the New Zealand context, the emphasis is on cultural heritage values which reflect both tangata whenua and European values.

As a new type of heritage for the District Plan, cultural landscapes have not been identified and do not have established criteria. In this respect, they will require a carefully considered approach. Cultural landscapes are likely to be large areas, and so multiple property owners will be affected. Cultural landscapes need to be assessed collaboratively and identified, in conjunction with Ngāi Tahu, and stakeholders, and for protection in the district plan. This also needs to be undertaken with consideration of the use of other non-regulatory methods. Refer to the landscapes issues section above for further discussion about other significant landscapes.

Heritage areas are distinctive and relatively intact areas in the district made up of multiple buildings and features and collectively they are of significance to the district's heritage, character, sense of place and identity. They have a range of tangible and intangible heritage values. Heritage areas affect multiple property owners (on a smaller scale than cultural landscapes), and need to be identified in a collaborative manner with stakeholders, and assessed for protection in the District Plan. As for other types of heritage this assessment should be undertaken in conjunction with considering the use of non-regulatory methods. (Refer Appendix 4 - Technical Report – Heritage, Section 10 for further detail on heritage areas and cultural landscapes).

Heritage areas (under the DPR) would fall primarily within the definition of 'historic heritage' in the RMA, which is required to be protected as a matter of national importance from inappropriate subdivision, use and development in accordance with s6(f) the RMA, and through the CRPS. There are no Heritage Areas (with a strongly 'historic heritage' focus, including the applicable provisions) in the operative district plans. The Council has undertaken a number of studies to define what a heritage area is, to establish criteria and a methodology, and to identify and assess potential areas, but these need to be updated to reflect changes in the post-earthquake environment. This is proposed to be provided for at the policy level, with area specific identification and management to follow as a future programme of work after the DPR.

Archaeological values are required to be protected as they also fall under the definition of 'historic heritage' in the RMA. The Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) controls modification of pre-1900 archaeological sites. The BPDP lists archaeological sites, whereas no archaeological sites are listed in the City Plan. There are issues, however, with accuracy of data and these impacts on an appropriate approach to identifying and managing archaeological sites. (Refer Appendix 4 - Technical Report – Heritage, Section 10 for further detail on available data).

The identification (and listing within the Plan) of sites and landscapes of Ngāi Tahu cultural significance, other cultural landscapes, and heritage areas will need to be undertaken through a future plan change, when this work can be carried out in a comprehensive manner.

2.4.4 Resource management issues - Trees

RESOURCE MANAGEMENT – TREES ISSUE 1

The removal of significant trees can impact on the character, amenity and environmental qualities of the district's urban and rural areas and the district's natural and cultural heritage.

Trees are an important natural resource, providing many community services, including contributing to the amenity and character of urban and rural environments, providing important environmental and ecological services, and having special historical and cultural values.

Section 7 of the RMA requires that councils are to have particular regard to a range of 'other matters' when managing the use, development and protection of natural and physical resources. Of relevance to significant trees are:

- S7(c) the maintenance and enhancement of amenity values; and
- S7(f) maintenance and enhancement of the quality of the environment.

Section 6(e) of the RMA is also relevant. It relates to the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga. Many tree and plant species have traditionally been used for food, art, or medicine and the plan needs to recognise this.

With regard to 7(c), Christchurch is internationally recognised as the Garden City, an image derived from the district's trees and gardens. The district's trees provide colour and visual amenity to urban areas, providing shade, shelter and privacy and contributing towards the character of neighbourhoods. Trees also create a sense of vertical scale to a city that is largely built on a flat plain, and contribute towards shaping and defining the character of rural landscapes.

While a section of the Plan specifically addresses sites of ecological significance, it is recognised that trees outside of these areas can also be ecologically significant and contribute to biodiversity values, in addition to containing significant indigenous species.

With regard to section 7(f), trees assist with maintaining and enhancing the quality of the environment in a range of ways. These include purification of air and rainwater (by removing gaseous chemical and particulate pollutants and releasing oxygen), carbon storage and recycling nutrients, reducing heat island effects and unwanted growth in streams by cooling of cityscapes and waterways, maintaining outdoor comfort by providing shade and shelter, storm water and erosion management by absorbing ground and rainwater and stabilising slopes, traffic calming, enhancing natural features outstanding landscapes or buildings, providing habitats and food for wildlife and encouraging biodiversity throughout the city.

Some of the district's trees also have important cultural and historical associations. Individual trees, groups of trees or particular species of tree can have particular meaning to local communities, either by virtue of the tree(s) commemorating a person, an event, or having significance as a particularly rare or indigenous species.

Whilst some tree services are acknowledged, the wider range of services is not generally well recognised and significant trees may be viewed negatively where they restrict works or development on private and/or public property. Significant trees may also be viewed as a nuisance where they cause shade, debris (leaf fall) or damage to infrastructure buildings or other property, or in some cases, may be a threat to human health. In these cases, significant trees may be viewed as a burden to the owner, occupier or neighbour rather than a benefit to the district as a whole, which can lead to their removal.

Changes in social and economic conditions can also impact on the value, and therefore, the retention of trees, for example in urban areas where residential intensification is proposed, or the development of new neighbourhoods. This places pressure on public spaces (streets/public open space) to provide trees and other vegetation that was once provided for on private land.

There are issues associated with pressure to remove trees and this applies to individual trees on private property, as well as within streets and public open space. The loss of significant trees can be irreversible: rare species and trees with cultural and historical values in particular are difficult to replace.

For other species it can take years for replacement trees to achieve a similar stature and visual/physical prominence as the tree that has been removed, particularly in Canterbury where the growth rates are much slower than in other areas, such as Auckland. The loss of significant trees can have major impacts on both the appearance and amenity of an individual property, as well as the cumulative effects upon the district's environment and the character and amenity of urban areas, and rural landscapes.

It is often those who own or manage the land containing significant trees that protect the values inherent to the specimens, but are the most affected by any regulation placed on the tree(s). It can be difficult to balance the desires and expectations of the wider community in the preservation and enhancement of significant trees, with the direct impacts upon the landowner.

Section 76(4A) of the RMA requires that urban tree protection rules in district plans are applied in ways that provide certainty for landowners and district plan users about what, if any, tree protection rules affect their properties. Accordingly, there is the requirement for significant individual and groups of trees on urban environment allotments, to be scheduled, where councils wish to proactively protect significant trees from removal, or inappropriate works/maintenance. Trees located in areas that fall outside the definition of an urban environment allotment (in s76(5)), such as streets and reserves, can be protected, where appropriate to do so, by planning provisions.

It is noted that the Central City Recovery Plan removed protection of street trees in the Central City. The council considers the Central City to be land within the four avenues (therefore, street trees in the four avenues can be protected).

RESOURCE MANAGEMENT – RESOURCE MANAGEMENT – TREES ISSUE 2

Damage caused by inappropriate pruning and maintenance and works within the drip-lines of significant trees can adversely affect their health and structural integrity, which can result in the loss of environmental and amenity values both to the immediate neighbourhood and the district.

Activities and development undertaken to a significant tree, or in close proximity to it, can be irreversible and can significantly affect its health and structural integrity.

Significant trees located in both public and private property can be vulnerable to degradation through inappropriate maintenance (pruning/trimming) and/or works being undertaken in close proximity to the tree (e.g. excavation, filling, chemical spills, soil compaction etc).

Significant trees located within streets are often at greatest risk from damage due to the nature of the street environment and its multiple and competing uses. Works involving underground utilities and other infrastructure such as footpaths, kerb and channel, roads etc can be particularly damaging to significant trees, when undertaken either within, or in close proximity to, the root system of the tree. Such damage often takes a number of years to become apparent and it is, therefore, difficult to prove who/when the damage was caused, and to claim any reimbursement for the loss of the tree and its associated community services.

The potential for damage to significant trees through underground and above ground works is especially pertinent in the Christchurch district-wide urban context. Extensive rebuilding of horizontal and vertical infrastructure has and will take place over the coming years, on both public and private land, in response to the major damage caused by the Canterbury earthquakes, along with the city wide installation of the ultra-fast broadband network.

While it is acknowledged that provision must be given for the installation, repair, maintenance and operation of network utilities and built infrastructure, in addition to the pruning of significant trees, these activities need to be carefully managed on both public and private property, so as not to adversely affect the health and structural integrity of significant trees and to protect their inherent values (amenity, character, environmental and ecological services and cultural/historical associations).

Other Methods:

A Christchurch City Council tree policy is being drafted. If adopted, it will provide direction relating to the care and removal of trees on Council land to allow for consistent district-wide decision making and consistency in the approaches used by Council and its contractors.

The Council must also ensure that trees within reserves created under the Reserves Act 1977 are managed or approved in accordance with that Act.

## SCALE AND SIGNIFICANCE EVALUATION

### 2.5 Introduction to Scale and Significance Evaluation

The level of detail undertaken for the evaluation of the proposed District Plan provisions has been determined by an assessment of the scale and significance of the implementation of the proposed District Plan objectives and provisions. The scale and significance assessment considers the environmental, economic, social and cultural effects of the provisions. In making this assessment regard has been had to the following, namely whether the objectives and provisions:

- a. are of regional or city wide significance;
- b. impede the city's recovery;
- c. adversely affect people's health and safety;
- d. result in a significant change to the character and amenity of local communities;
- e. have effects on resources that are considered to be a matter of national importance in terms of Section 6 of the Act;
- f. adversely affect those with particular interests including Māori;
- g. limit options for future generations to remedy effects;
- h. relate to matters that have been considered by higher order documents; and
- i. include regulations or other interventions that will impose significant costs on individuals or communities.

As part of this, consideration was given to the extent of certainty of effects based on the availability of information to assess benefits and costs.

The Section 32 evaluation will continue to be updated in response to recommendations from the Minister for the Canterbury Earthquake Recovery and Minister for the Environment, and submissions from the community and stakeholders.

### 2.6 Objectives, Policies and Rules

The evaluation of the policies and rules in this Chapter has focused on the objectives and those provisions that will result in a substantial change to the management of land and are of greatest importance, for example, to ensure the objectives of the Chapter are achieved. Some objectives, policies and rules have been evaluated as a package, as together address a particular issue and seek to meet a specific objective. Some rules may implement more than one policy.

The following is a summary of scale and significance undertaken to justify a more comprehensive evaluation of the proposed provisions.



2.7 Scale and significance evaluation - Indigenous biodiversity and ecosystems

Issue	Objective and Provisions evaluated	Scale and significance reasoning
<p>Areas of significant indigenous vegetation and significant habitats of indigenous fauna</p>	<p>Objective 9.3.1 - Indigenous biodiversity is maintained and enhanced and areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.</p> <p>Policies 9.1.1.1.1 – 9.1.1.1.5; Rules 9.1.2; Matters of discretion 9.1.3;</p> <p>Relevant definitions, including the following key definitions:</p> <ul style="list-style-type: none"> <li>• Indigenous vegetation;</li> <li>• Indigenous biodiversity</li> <li>• Indigenous vegetation clearance;</li> </ul>	<p>The objective and provisions of the pRDP that relate to areas of indigenous vegetation and ecosystems are considered to be of a substantial scale and significance for the reasons set out below.</p> <ol style="list-style-type: none"> <li>a. Areas of significant indigenous vegetation have significant community value and are considered to be important at both a regional and district level.</li> <li>b. They have been identified in the RMA (section 6(c)) as being a matter of national importance, and within other higher order documents (particularly the CRPS, within Chapter 9 Ecosystems and Indigenous Biodiversity) as being of regional and district importance, and recognised as an important matter within the NZCPS.</li> <li>c. Areas of significant indigenous vegetation incorporate significant cultural values and are of significant interest to Ngāi Tahu.</li> <li>d. If areas of significant indigenous vegetation are not adequately identified and provided for, there is the potential for adverse effects to occur that cannot be remedied and would cause the loss of values for future generations.</li> <li>e. The use of provisions to protect significant indigenous vegetation may impose costs on individuals or reduce the ability to use private land in the way that the owner would prefer. This is balanced against the opportunity to achieve community benefits but demonstrates unequal application of costs and benefits as is common with value based issues.</li> </ol>
<p>Indigenous biodiversity and ecosystems generally</p>	<p>Objective 9.3.1 - Indigenous biodiversity is maintained and enhanced and areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.</p> <p>Policies 9.1.1.1.1 – 9.1.1.1.5; Rules 9.1.2; Matters of discretion 9.1.3;</p>	<p>The objective and provisions of the pRDP that relate to areas of indigenous vegetation and ecosystems generally are considered to be of a very important scale and significance for the reasons set out below.</p> <ol style="list-style-type: none"> <li>a. These areas are likely to have some significance on a district wide basis and such areas are identified in the CRPS (Chapter 9) as a matter to recognise and manage, although there is little guidance of how to achieve this in Chapter 9.</li> </ol>

Issue	Objective and Provisions evaluated	Scale and significance reasoning
	Relevant definitions, including the following key definitions: <ul style="list-style-type: none"> <li>• Indigenous vegetation; Indigenous biodiversity</li> <li>• Indigenous vegetation clearance;</li> </ul>	b. Identification and management of these areas may improve the environment, particularly on a social and cultural basis. c. If indigenous biodiversity generally is not adequately identified and provided for, there is the potential for adverse effects to occur that cannot be remedied and would cause the loss of values for future generations. d. Future provisions to manage such areas may have financial costs to individuals or landowners.

2.8 Scale and significance evaluation – Landscapes and Natural Character

Issue	Objectives and Provisions evaluated	Scale and significance reasoning
<p>Need to identify the qualities (or values) which make the district's landscapes and features outstanding and significant.</p> <p>Inappropriate development can adversely impact on the qualities of Outstanding and Significant Natural Features and Landscapes</p> <p>Inappropriate development can adversely affect the natural character in the Coastal Environment.</p> <p>Need to recognise other important landscapes and features.</p>	<p>Proposed Objectives:</p> <p>9.2.1.1 Objective - Outstanding Natural Features and Landscapes</p> <p>9.2.1.2 Objective – Significant Features and Landscapes</p> <p>9.2.1.3 Objective – Natural Character in the Coastal Environment</p> <p>Policies 9.2.2.1 – 9.2.2.10;</p> <p>Rules 9.2.3.</p> <p>Matters of discretion 9.2.4.</p> <p>Key related definitions:</p> <p>Naturalness</p> <p>Landscape</p>	<p>The objectives and provisions of the pRDP that relate to areas of ONFLs and Natural Character in the Coastal Environment are considered to be a substantial scale and significance, and for SFLs a very important scale and significance for the reasons set out below.</p> <p>a. Landscapes, landscape features and natural character in the coastal environment have significant community and environmental value and are important at a regional and district level. They incorporate significant cultural values, including cultural values to Ngāi Tahu.</p> <p>b. The preservation of the natural character of the coastal environment and its protection from inappropriate subdivision, use and development is a matter of national importance under section 6(a) of the RMA, and recognised and provided for in higher order documents, including the NZCPS, and CRPS, primarily at Chapter 8 - Coastal<sup>13</sup>.</p> <p>c. The protection of ONFLs from inappropriate subdivision, use and development is a matter of national importance under section 6(b) of the RMA, and is, recognised and provided for in higher order documents, including the NZCPS and the CRPS (Chapter 12 - Landscape)<sup>14</sup></p> <p>d. ONFLs and natural character in the Coastal Environment should be recognised in</p>

<sup>13</sup> CRPS, Objective 8.2.4 - Preservation, protection and enhancement of the coastal environment.

<sup>14</sup> CRPS, Objective 12.2.1 - Identification and protection of ONF/Ls.

Issue	Objectives and Provisions evaluated	Scale and significance reasoning
		<p>accordance with the requirements of the NZCPS. Policies 13 and 14 require identification and management, of areas of natural character in the Coastal Environment. In particular this includes whether an area is of outstanding natural character.</p> <p>e. The identification and management of other landscapes are also provided for in the CRPS both within Chapter 12 - Landscape, and Chapter 13 - Historic Heritage<sup>15</sup>. Section 7(c) which relates to the maintenance and enhancement of amenity values, and section 7(f) of the RMA which relates to the maintenance and enhancement of the quality of the environment, provide for recognition and management of significant features and landscapes.</p> <p>f. Given the range of values contributing to what makes features and landscapes important there are overlaps with other statutory considerations in the RMA. With respect to ONFLs this includes section 6(a) natural character, section 6(c) significant areas of indigenous vegetation and significant habitats of indigenous fauna, and section 6(f) historic heritage. The same matters of national importance are also relevant in relation to significant features and landscapes, given, for this District Plan review they have been derived from a wider assessment to determine which places are ONFLs (i.e. if they do not meet outstanding status they may still qualify as significant). They have been assessed for whether they are outstanding but found to have 'significant' values and not merit meeting the threshold of outstanding. With respect to this DPR, they are been found to be significant features and landscapes and would fall under 'other important landscapes' of the CRPS, (for some SFLs, particularly concerning their high amenity values).</p> <p>g. There is an overlap in addition with Section 6(e) of the RMA, the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e) is relevant). Section 8 of the RMA is also considered to be relevant, it provides that</p>

<sup>15</sup> CRPS, Chapter 12, Objective 12.2.2 - Identification and management of other landscapes, and Chapter 13, Objective 13.2.2 - Historic cultural and historic heritage landscapes.

Issue	Objectives and Provisions evaluated	Scale and significance reasoning
		<p>'In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti of Waitangi)'.</p> <p>h. Cultural landscapes are recognised as an important matter in the IMP. For example, cultural landscapes are in the Issues of Significance sections (refer, for example Ngāi Take, Issues of Significance (page , Issue PT1 Cultural Landscapes refers to 'The protection of cultural landscape values associated with the southern bays, including wāhi tapu, wāhi taonga, ingoa wāhi and mahinga kai).</p> <p>i. The Strategic Directions and Strategic Outcomes of the Christchurch Replacement District Plan<sup>16</sup> provide overarching direction through objectives which have primacy within the plan hierarchy. At the top of this hierarchy are objectives 3.3.1 (enabling recovery and facilitating the future enhancement of the district) and 3.3.2 (clarity of language and efficiently). Objective 3.3.1 and the expedited recovery and future enhance of Christchurch as a dynamic and prosperous and internally competitive city is "in a manner that: ... (c) sustains the important qualities and values of the natural environment." In conjunction with objective 3.3.9 which provides detailed outcomes for natural and cultural environment the scale and significance of this natural environment issue to the wider community is clearly identified in strategic directions provisions of the Replacement District Plan (pRDP).</p> <p>j. If ONFLs, SFLs and areas of natural character are not adequately identified there is the potential for adverse effects to occur that cannot be remedied and would cause the loss of the values for future generations. This is of particular concern for these places which have a very high level of significance (i.e. are outstanding in the Christchurch district or, for natural character are of are of outstanding natural character). These areas require an additional level of recognition and protection. The Technical Report - Landscape (Overview Report) at Appendix 3.1</p>

<sup>16</sup> Christchurch Replacement District Plan Independent Hearings Panel, Decision 1, 26 February 2015.

Issue	Objectives and Provisions evaluated	Scale and significance reasoning
		<p>describes how (to date) the focus of expert assessment of landscapes has been on Banks Peninsula. It is important that this gap in identification and associated provision of management provisions is addressed. This is especially important given the direction in higher order documents.</p> <p>k. Identifying and managing other important landscapes (beyond those covered above as 'significant features and landscapes'), could be for a number of reasons including:</p> <ul style="list-style-type: none"> <li>a. natural character,</li> <li>b. amenity, and</li> <li>c. historic and cultural heritage (Refer Objective 12.2.2 CRPS).</li> </ul> <p>Historic cultural and historic heritage landscapes are defined by the CRPS and provided for in Chapter 13. These landscapes are discussed further in the historic heritage scale and significance section below.</p> <p>l. Future provisions to manage such areas may also have financial costs to individuals or landowners.</p>

2.9 Scale and significance evaluation – Historic Heritage

Issue	Objective and Provisions evaluated	Scale and significance reasoning
<p>Significant loss of heritage items impacts on district identity</p> <p>Loss of heritage fabric and values through subdivision, use and development</p>	<p>9.3.1 Objective – Historic heritage</p> <p>Policies 9.3.2.1 – 9.3.2.11</p> <p>Rules 9.3.3</p> <p>Matters of control 9.3.4</p> <p>Matters of discretion 9.3.5</p> <p>Key related definitions:</p> <p>Alteration of a heritage item</p>	<p>The objective and provisions of the pRDP that relate to historic heritage are considered to be of a substantial scale and significance for the reasons set out below.</p> <ul style="list-style-type: none"> <li>a. Significant historic heritage is important to the community and visitors, contributing to the district's distinctive character and identity, and having social, economic and cultural benefits to the district. Significant historic heritage has historical and cultural values and is of significant interest to Ngāi Tahu. Protection and maintenance of remaining significant historic heritage, and continuing to identify and manage it is important, particularly in the context of a high number of earthquake losses.</li> <li>b. Historic Heritage is a matter of national importance under s6(f) of the RMA and is recognised and provided for in higher order documents. This includes, the identification and protection of</li> </ul>

Issue	Objective and Provisions evaluated	Scale and significance reasoning
	Alternation of a heritage setting Demolition Heritage fabric Historic heritage Heritage investigative and temporary works Heritage item Heritage setting Heritage values Heritage upgrade works Historic heritage place Maintenance Reconstruction Relocation of a heritage item Repairs Restoration Site of Ngāi Tahu cultural significance Silent File Area	<p>significant historic heritage is an Objective within Chapter 13 of the CRPS<sup>17</sup>.</p> <p>c. Historic heritage is provided for through Strategic Directions Objectives, including in particular under Natural and Cultural Environment Objective 3.3.9(c).</p> <p>d. The role of heritage in the recovery of the district is recognised in the Recovery Strategy for Greater Christchurch Christchurch Mahere Haumanutanga o Waitaha May 2012 (The Recovery Strategy)<sup>18</sup>, and in the Heritage Buildings and Places Recovery Programme for Greater Christchurch Ko te Hōtaka Haumanu e aro ana ki Ngā Whare me Ngā Wāhi Tuku Iho (The Recovery Programme), November 2014<sup>19</sup>. Section One of the Recovery Programme includes six outcomes, of which Objective 1 is, "Heritage buildings and places contribute to a strong sense of identity, a quality urban environment, tourism and economic growth, supporting the recovery of greater Christchurch".</p> <p>e. There has been a substantial loss of heritage places following the earthquakes, through damage and subsequent demolition as set out in the issues section above. The policy framework and rules provide for the identification and management of heritage listings (including a broadened type of significance historic heritage as recommended in the Technical Report – Heritage at Appendix 4) together with a programme of work following the DPR.</p>

<sup>17</sup> CRPS 2013 , Objective 13.2.1 – Identification and protection of significant historic heritage

<sup>18</sup> Section 15 Cultural Recovery Whakaara Tikanga of The Recovery Strategy refers (page 34) "Greater Christchurch has lost much of the heritage that was one of its defining characteristics. Retention and conservation of restorable heritage buildings, places, archaeological sites and places of cultural significance, and restoration of access to heritage collections, will help recreate that distinctive sense of place and identity that has defined the region and contributed to its economic development".

<sup>19</sup> Section One of The Recovery Programme (page 6-7)

Issue	Objective and Provisions evaluated	Scale and significance reasoning
		<p>f. Loss of heritage fabric and values through inappropriate subdivision, use and development, such as alteration, relocation or demolition may lead to impacts on or the loss of the significance of items. Protection is achieved both through identification of places which make a significant contribution to the identity of the district and ensuring appropriate management of these places. This is with respect to the range of works, such as repairs and alterations, through to new buildings in settings and relocation of heritage items. Enabling places to be maintained and adapted over time (and thereby contributing to recovery of the district) is an important component of protecting heritage places providing this is carried out in a manner which maintains heritage values. The importance of enabling works to occur, such as seismic strengthening, and maintenance, together with recognising there are associated economic costs is covered through Objective 13.2.3 of the CRPS 'Repair, reconstruction, seismic strengthening, on-going conservation and maintenance of built historic heritage'. Recognition of the recovery context and enabling works to occur to historic heritage items are contained in the provisions of the CCRP, with historic heritage provisions directly amended as a result, including new policies and rules.</p> <p>g. Significant adverse effects can arise from how historic heritage is identified and managed with the district plan, including the method of how it is identified for protection in the plan. The Schedule of Significant Historic Heritage Places (the Schedule) contains those heritage places such as buildings, bridge and other features which have met a threshold of significance. The Schedule is classified into two Groups, with Significant places in Group 2, and places of 'High Significance' included in Group 1. The Schedule recognises the importance of the surroundings of a heritage item (referred to as the heritage setting).</p> <p>h. Future provisions to manage these places may also have financial costs to individuals or landowners.</p>
Under representation of some types of historic heritage from	Policies 9.3.2.1, - 9.3.2.4.	a. Significant historic heritage is important to the community and visitors, contributing to the district's distinctive character and identity, and

Issue	Objective and Provisions evaluated	Scale and significance reasoning
<p>the historic heritage schedules.</p>	<p>Rule 9.3.3.2.4 - 9.3.3.2.5</p> <p>Key related definitions: Site of Ngāi Tahu cultural significance</p> <p>Silent File Area</p>	<p>having social, economic and cultural benefits to the district. Significant historic heritage has historical and cultural values and is of significant interest to Ngāi Tahu.</p> <p>b. More comprehensively recognising and managing the breadth of historic heritage is important with respect to the issues discussion above which discusses the under-representation of types of historic heritage within the Operative Plans.</p> <p>c. With respect to places of significance to Ngāi Tahu historic heritage is a matter of national importance under s6(f) the RMA, and under s6(e) matter of national importance is 'the relationship of Maori and their culture and traditions with ancestral lands, water, waahi tapu, and other taonga'. Of direct importance in addition are Sections 7(a), 7(f) and section 8 of the RMA.</p> <p>c. Historic cultural and historic heritage landscapes, have important values requiring protection. These landscapes are connected to s6)(e) matters of national importance (including sections 6(f) and s6(f)). There are also overlapping matters of relevance in section 7 (including 7(a)(f)) and section 8.</p> <p>d. Protection of 'areas' of historic heritage is a significant matter, given the inclusion of 'heritage areas' with the definition of 'historic heritage' in the RMA. Archaeological values are required to be protected under the RMA (noting this falls within the definition of historic heritage).</p> <p>e. The NZCPS requires historic heritage identification and protection, refer in particular to Policy 17(c) 'initiating assessment and management of historic heritage in the context of historic landscapes.</p> <p>f. The identification and protection of significant historic heritage is an Objective within Chapter 13 of the CRPS<sup>20</sup>. The supporting policy 13.3.1(2) includes working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them. Policy 13.3.2 is to recognise places of cultural heritage significance to Ngāi Tahu. Historic cultural</p>

<sup>20</sup> CRPS 2013 , Objective 13.2.1 – Identification and protection of significant historic heritage



Issue	Objective and Provisions evaluated	Scale and significance reasoning
		<p>and historic heritage landscapes are recognised within the CRPS (refer Objective 13.2.2) with policies to implement them at Policies 13.3.3 and Policy 12.3.3. These landscapes are referred as having important values requiring protection from inappropriate use (refer Issue 13.1.2). The Explanation section to Issue 13.1.2 of the CRPS refers, '<i>...While not limited to Māori, cultural landscapes can be particularly important for Ngāi Tahu due to specific cultural, traditional or historic associations</i>'. The explanation refers that historic heritage landscapes tend to be tangible, with collections of sites, items, or objectives that contribute to a sense of place for a particular area, or knowledge of New Zealand's historic heritage.</p> <p>g. Historic heritage is provided for through Strategic Directions Objectives, in particular under Natural and Cultural Environment Objective 3.3.9(c), and at Objective 3.3.3 Ngāi Tahu Manawhenua, including clauses (d) and (e).</p> <p>h. Future provisions to manage these places may also have financial costs to individuals or landowners.</p>

2.10 Scale and significance evaluation - Trees

Issue	Objective and Provisions evaluated	Scale and significance reasoning
The removal of significant trees	<p>9.4.1 Objective - Trees</p> <p>Policies 9.4.12.1 - 9.4.12.4;</p> <p>Rules 9.4.3.2.1 - 9.4.3.2.3 :</p> <p>Matters of discretion 9.4.2.4</p> <p>Key related definitions</p>	<p>The objective and provisions of the pRDP that relate to trees are considered to be of very high importance for the reasons set out below.</p> <p>a. Significant trees have significant community value and are considered to be important at both a regional and district level.</p> <p>b. Significant trees have been identified as another matter in section 7 of the RMA at subclauses (c) and (f) and are a relevant matter with respect to s6(e) (a relevant consideration in relation to Ngāi Tahu values).</p> <p>c. Significant trees incorporate historical and cultural values and are of significance to Ngāi Tahu, and the community.</p> <p>d. If significant trees are not adequately identified and provided for, there is the potential for adverse effects to occur that cannot be</p>

Issue	Objective and Provisions evaluated	Scale and significance reasoning
		<p>remedied and would cause the loss of values for future generations.</p> <p>e. Significant change to the character and amenity of areas can occur through tree removal. Where an appropriate level of protection can be provided for these areas, improvements in the environment can be achieved.</p>
<p>Damage caused by inappropriate works and maintenance</p>	<p>Policies 9.4.12.2 and 9.4.12.3:</p> <p>Rules 9.4.3.2.1 P1, P2 and P4</p> <p>Matters of discretion 9.4.2.4</p> <p>Key related definitions</p>	<p>The objective and provisions of the pRDP for pruning or maintenance of significant trees is considered to be significant for the reasons set out below.</p> <p>a. Significant trees have significant community value and are considered to be important at both a regional and district level.</p> <p>b. They are a relevant consideration in relation to maintenance of amenity values in s7(c).</p> <p>c. They are a relevant consideration in relation to Ngāi Tahu values in s6(e).</p> <p>d. Significant trees incorporate historical and cultural values and are of significance to Ngāi Tahu, and the community.</p> <p>e. Significant change to the character and amenity of areas can occur where the health and structural integrity of trees is adversely affected. Where an appropriate level of protection can be provided for these areas, improvements in the environment can be achieved.</p>

### 3 EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose (Section 5) of the Act.

#### 3.1 Evaluation of Proposed Objective – Indigenous biodiversity and ecosystems

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
<p>9.1.1.1 Objective: Indigenous Biodiversity and ecosystems Indigenous biodiversity is maintained and enhanced and areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.</p>	<p>1. Relation to Resource Management Issue</p> <p>a. This objective is directly related to the resource management issues for Indigenous biodiversity and ecosystems (identification and protection). It flows directly from the need to identify these areas and manage activities and development within these areas.</p> <p>b. This objective takes direction from the strategic context and purpose of the RMA, and other higher order documents including:</p>

	<ul style="list-style-type: none"> <li>i. Section 5 of the RMA which relates to sustainable management of resources, cultural well-being, and the needs of future generations;</li> <li>ii. Section 6(c) of the RMA which requires the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>iii. NZCPS (policy 11 in particular) which requires the protection of indigenous biological diversity (biodiversity) in the coastal environment;</li> <li>iv. Chapter 9 of the CRPS which seeks to halt the decline of Canterbury's ecosystems and indigenous biodiversity, restore and enhance ecosystems and indigenous biodiversity, and protect significant indigenous vegetation and habitat; and</li> <li>v. The LURP and the Recovery Strategy.</li> </ul> <p>c. The objective implements the amended Strategic Directions Objectives, including:</p> <ul style="list-style-type: none"> <li>i. 3.3.1(c) which requires recovery activities to 'sustain the important qualities and values of the natural environment';</li> <li>ii. 3.3.2 which requires the district plan to minimise costs, rules and reliance on consent processes, requirements for notification and written approval; and to set clear objectives and policies; and use clear concise language;</li> <li>iii. 3.3.9 (b)(iii) requires the identification and management of indigenous ecosystems, significant indigenous vegetation and significant habitats.</li> </ul> <p>d. The Order in Council is very similar to strategic direction 3.3.2, in that it requires the district plan to minimise costs, rules and reliance on consent processes, requirements for notification and written approval; and to set clear objectives and policies; and use clear concise language.</p> <p>2. Overall Assessment of the Appropriateness of the Objective</p> <ul style="list-style-type: none"> <li>a. Consideration was given as to whether alternative objectives would more appropriately achieve the purpose of the Act, taking into account circumstances of the district. The objective satisfies the Council's statutory obligations under the RMA, NZCPS and CRPS. Therefore, it is considered that the adopted objective is the most appropriate way to achieve the purpose of the Act and deal appropriately with indigenous biodiversity and ecosystems.</li> <li>b. In particular, the objective will enable the sustainable management of resources by directing the maintenance and enhancement of indigenous vegetation and habitat, including the identification of sites of ecological significance. It enables section 6(c) in the same manner.</li> <li>c. In relation to the NZCPS, the objective seeks to 'protect', which aligns well with the objectives of the NZCPS, specifically:</li> </ul>
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	<ul style="list-style-type: none"> <li>a. Objective 1 of the NZCPS which seeks to safeguard and integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems;</li> <li>b. Objective 2, which seeks to protect natural features and landscapes; and</li> <li>c. Objective 6, which seeks to protect the values of the coastal environment.</li> <li>d. In relation to the CRPS, the objective seeks to identify and protect significant indigenous vegetation and significant habitats of indigenous fauna, specifically:             <ul style="list-style-type: none"> <li>a. Objectives 9.2.1 - 9.2.3 which seek to 'halt the decline' of, protect, and restore and enhance significant indigenous vegetation and significant habitats of indigenous fauna;</li> <li>b. Policy 9.3.1 which seeks the protection of sites identified using the criteria at appendix 3 of the CRPS, and also the protection of areas not yet assessed under these criteria; and</li> <li>c. Policy 9.3.2 which seeks the identification of 'national priorities for protection'.</li> </ul> </li> <li>e. In relation to the Order in Council and the decision on the Strategic Directions Chapter, the objective is considered appropriate, specifically:             <ul style="list-style-type: none"> <li>a. Objective 3.3.1(c) which seeks to sustain the important qualities and values of the natural environment during recovery;</li> <li>b. Objective 3.3.9(b)(iii) in that objective 9.1.1 enables identification and management as sought by 3.3.9.</li> <li>c. The Order in Council at 3.3.2 in that objective 9.1.1 is clear, concise and does not seek a consenting regime which is inconsistent with the Order in Council, given the statutory context outlined above.</li> </ul> </li> </ul>
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3.2 Evaluation of Proposed Objectives – Landscapes and Natural Character in the Coastal Environment

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
9.2.1.1 Objectives - Outstanding Natural Features and Landscapes  9.2.1.1 Outstanding Natural Features and landscapes  a. The district's outstanding natural features are protected, including the following identified features: i. Kaitorete Spit	1. Relation to Resource Management Issue  a. The objective seeks the outcome of protecting the district's ONFLs. The objective is related to resource management issues 1 and 2 identified in the earlier issues section. b. The objective provides the over-arching, outcome for this chapter to protect ONFLs, which is a matter of national importance under section 6(b) of the RMA. c. The objective is considered to be appropriate to meet the purpose of the RMA, section 5, of sustainable management. With respect to section 5(2) this will be by assisting in providing for community social, economic and cultural well-being. ONFLs

<ul style="list-style-type: none"> <li>ii. Te Waihora /Lake Ellesmere</li> <li>iii. Wairewa / Lake Forsyth</li> <li>iv. Brooklands Lagoon and Spit / Te Riu o Te Aika Kawa</li> <li>v. Waimakariri River</li> <li>vi. Travis Wetland / Ōruapaeroa</li> <li>vii. Riccarton Bush / Pūtari kamotu</li> <li>viii. Te Ihutai / Avon-Heathcote Estuary</li> <li>ix. South Brighton Spit / Te Kōrero and Estuary entrance</li>   <li>b. The district's outstanding natural landscapes are protected including the identified landscapes on: <ul style="list-style-type: none"> <li>i. Banks Peninsula / Te Pātaka o Rākaihautū</li> <li>ii. The Port Hills / Ngā Kohatu Whakarakaraka o Tamatea Pōkai Whenua</li> </ul> </li> </ul>	<p>are part of the natural and physical environment, and the objective is appropriate with reference to section 5(2)(c) of avoiding, remedying, or mitigating any adverse effects of activities on the environment. The objective also takes some direction from 5(2)(b) of safeguarding the life-supporting capacity of air, water, soil, and ecosystems - given ONFLs have a relationship to these elements of the natural environment.</p> <ul style="list-style-type: none"> <li>d. As set out in the Scale and Significance section above, there are a number of other sections of Part 2 which are relevant to ONFLs given the range of values contributing to what makes them important. The objective has also been drafted in consideration of those sections, but is linked most directly to s6(b) provision concerning ONFLs. Also the CRPS contains objectives for the identification and protection of ONFLs (CRPS, Chapter 12- Landscape, Objective 12.2.1 – Identification and protection of ONFLs). The principal reasons and explanations to Objective 12.2.1 refers to the multi-dimensional nature of landscapes and in respect of landscape values that, '<i>...These values can also overlap with the statutory considerations in Section 6(a) ... Section 6(a) of the RMA, concerned with natural character, Section 6(c), significant areas of indigenous vegetation and significant habitats of indigenous fauna, Section 6(f), historic heritage and Section 8 in relation to the principles of the Treaty of Waitangi. Accordingly, it is important that there is some clarity as to which values within a landscape contribute to its status as outstanding</i>'. Subsequent sections of this report focus on clarity of values. However, for this stage in the evaluation it is pertinent to recognise the statutory considerations, (including in section 6, 7 and section 8).</li> <li>e. This objective takes direction from Chapter 8 of the CRPS concerning ONFLs in the coastal environment (in particular Policy 8.3.4 Preservation of the Natural Character of the Coastal Environment, under which ONFLs are specifically referenced under 8.3.4(1)).</li> <li>f. The objective takes direction from the NZCPS (particularly Policy 15 Natural features and natural landscapes, with respect to the identification and protection of ONFLs in the coastal environment), and as above the implementation directive through the CRPS.</li> <li>g. The objective takes into account outcomes sought by the IMP. The IMP provides detail on places of importance to tangata whenua, and process considerations for managing development - including the range of places of importance, which include cultural landscapes. The objective is appropriate in the context of the IMP and will assist in providing a framework (part of a wider framework of chapter objectives, including for Strategic Directions) for recognising and maintaining Ngāi Tahu values.</li> <li>h. The objective implements the Strategic Directions objectives, including:</li> </ul>
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	<ul style="list-style-type: none"> <li>i. Objective 3.3.1(c) which requires recovery activities to 'sustain the important qualities and values of the natural environment'.</li> <li>ii. Objective 3.3.2 which requires amongst other matters, to '... set clear objectives and policies; and use clear and concise language'.</li> <li>iii. Objective 3.3.9 (b)(i) which specifically addresses ONFLs.</li> </ul> <p>i. The features and landscapes identified within the objective are derived from the landscape technical work undertaken to determine whether a landscape or landscape feature is assessed as being outstanding. Further detail on the methodology applied for the assessment of 'significance' and 'outstanding' is provided in Appendix 3.1 - Technical Landscape Overview Report, and in the landscape studies undertaken (refer Appendices 3.1 -3.5 for Christchurch City and Banks Peninsula studies).</p> <p>j. Consideration was given to whether alternative objectives would more appropriately achieve the purpose of the Act. A variation for instance on an aspect of the objective, would be to not include the list of ONFLs within the objective. However, as the list is short and this level of specificity is useful to provide direction for implementation for supporting provisions, it is appropriate in the context of this topic as there are a small number of places (due primarily to their large geographic scale). This is in contrast for instance to the high number of significant historic heritage places and trees.</p> <p>1. Overall Assessment of the Appropriateness of the Objective</p> <ul style="list-style-type: none"> <li>a. The proposed objective is considered to be the most appropriate to achieve the purpose of the RMA.</li> <li>b. This objective reflects the detailed higher order statutory direction, especially with reference to the identification and protection of ONFLs being a matter of national importance (section 6(b) of the RMA). The use of the word 'protect' in the objectives is directly tied to section 6(b). It is considered appropriate to use direct application of 'protect' in this case. This is in contrast to SFLs as discussed further below.</li> <li>c. The objective takes direction from higher order documents especially in the case of landscapes from the NZCPS and CRPS.</li> </ul>
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4.2.2 Evaluation of Proposed Objective – 9.2.1.2 Significant Features and Landscapes

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
9.2.1.2 Objective – Significant Features and Landscapes	<p>1. Relation to Resource Management Issue</p> <ul style="list-style-type: none"> <li>a. The objective seeks the outcome of maintaining and enhancing the district’s significant features and landscapes. This objective</li> </ul>

<p>a. The district's significant landscapes are maintained and enhanced, including the following identified features:</p> <ul style="list-style-type: none"> <li>i. Ōtūkaikino Creek</li> <li>ii. <i>Styx River</i> / Pūharakekenui</li> <li>iii. <i>Styx Mill Reserve</i></li> <li>iv. West Melton / Ōkakea Dry Plains</li> <li>v. Christchurch Coast/ Te Tai o Mahaanui</li> <li>vi. Waikākāriki / Horseshoe Lake</li> <li>vii. Ōtākaro / Avon River</li> <li>viii. Heathcote River/ Ōpāwaho</li> </ul> <p>b. The district's significant landscapes are maintained and enhanced, including the identified landscapes on:</p> <ul style="list-style-type: none"> <li>i. Banks Peninsula / Te Pātaka o Rākaihautū</li> <li>ii. The Port Hills / Ngā Kohatu Whakarakarakao Tamatea Pōkai Whenua</li> </ul>	<p>is related to the landscape resource management issues 1 and 2.</p> <ul style="list-style-type: none"> <li>b. As for ONFLs, the objective provides the over-arching outcome for SFLs (to maintain and enhance them). Refer to Appendix 3.1 - Technical Landscape Overview Report for further detail on the threshold at which a landscape or feature is 'significant' but not 'outstanding'. These SFL have been derived from a study to determine ONFLs, as opposed to, for instance, a study of other landscapes, such as historic heritage or historic cultural landscapes.</li> <li>c. The objective is considered to be appropriate to meet the purpose of the RMA, section 5, of sustainable management. As for ONFLs, with respect to section 5(2) this will be by assisting in providing for community, social and cultural well-being. SFLs are similarly part of the natural and physical environment, and the objective is appropriate with reference to section 5(2)(c) of avoiding, remedying, or mitigating any adverse effects on the environment.</li> <li>d. While there is no direct requirement under section 6 of the RMA to protect 'significant features and landscapes', there is a level of direction from section 6 and section 7 matters, including 7(c) the maintenance and enhancement of amenity values, and section 7(f) maintenance and enhancement of the quality of the environment. As set out in the Scale and Significance section, there are also overlaps with other statutory considerations in part 2 of the RMA, including within section 6 and section 8 of the RMA.</li> <li>e. The objective takes direction from the CRPS which has at Chapter 12- Landscape, Objective 12.2.2 has an objective of 'Identification and management of other landscapes - The identification and management of other important landscapes that are not ONLs. Other important landscapes may include: (1) natural character (2) amenity (3) historic and cultural heritage. The principal reasons and explanations to Objective 12.2.2 refers to '<i>... Natural character and / or historic cultural landscapes or historic heritage landscapes need to be identified and managed because they are matters of national importance and may warrant protection from inappropriate subdivision, use and development. It may also be appropriate that territorial authorities' district plans provide for varying degrees of amenity landscapes with associated landscape controls. These might seek, for example the protection of views or the maintenance of a particular identified matters of amenity which is important or significance for the local community.</i>'</li> <li>f. As for ONFLs it is important that there is clarity in why these 'other important landscapes' are significant, i.e. what are their specific qualities. The objective provides direction to the connected policies in this respect (as discussed further in the evaluation of provisions section).</li> <li>g. As for ONFLs the objective takes into account outcomes sought by the IMP and is considered to be appropriate in this respect.</li> </ul>
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	<p>It will form part of a wider framework (with supporting provisions) for recognising the maintaining Ngāi Tahu values.</p> <p>h. The objective will implement the amended Strategic Directions objective, including:</p> <p>i. Objective 3.3.1(c) which requires recovery activities to 'sustain the important qualities and values of the natural environment'.</p> <p>ii. Objective 3.3.2 which requires amongst other matters, to '... set clear objectives and policies; and use clear and concise language'.</p> <p>iii. Objective 3.3.3, including clause (a) and (c).</p> <p>i. Consideration was given to whether alternative objectives would more appropriately achieve the purpose of the Act. A variation for instance on an aspect of the objective, would be to not include the list of SFLs within the objective. As for ONFLs a list is considered appropriate given it is short list, and it is useful to provide direction for implementation for supporting provisions.</p> <p>2. Overall Assessment of the Appropriateness of the Objective</p> <p>a. The proposed objective is considered to be the most appropriate to achieve the purpose of the RMA.</p> <p>b. This objective takes direction from higher order documents especially with the identification and management of other important landscapes provided for within the CRPS. It draws on the landscape studies undertaken for the district (which include assessment of a range of values associated with the natural and physical environment including associated cultural values).</p> <p>c. The use of the words 'maintain and enhance' is considered to be appropriate, as opposed to 'protect' for ONFLs. These are important landscapes, although in general (subject to the values of the particular feature or landscape) a less stringent set of provisions is likely to be appropriate to manage them (to maintain them). In addition they are likely to have greater capacity to be able to be 'enhanced' over time due to their 'significant' rating (in contrast to the ONFLs).</p> <p>d. Identification of features and landscapes which are not outstanding but which are still significant can help improve the understanding of why these places are important, particularly on a social and cultural basis and provide for their management, which can be through both regulatory and non-regulatory methods.</p>
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4.2.3 Evaluation of Proposed Objective – 9.2.1.3 Natural Character in the Coastal Environment

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
Objective 9.2.1.3 – Natural Character in the Coastal Environment	1. Relation to Resource Management Issue



<p>Natural character in the district's coastal environment is preserved.</p>	<ol style="list-style-type: none"> <li>a. The objective seeks the outcome of preserving the district's natural character in the coastal environment. This objective is related to the landscape resource management issue 3.</li> <li>b. The objective provides the over-arching outcomes for this chapter to preserve natural character in the coastal environment, a matter of national importance (section 6(a) of the RMA).</li> <li>c. The objective is considered to be appropriate to meet the purpose of the RMA, section 5, of sustainable management and with respect to 5(2). The objective is appropriate with respect to section 5(2)(c) of avoiding, remedying, or mitigating any adverse effects of activities on the environment. The objective also takes some direction from section 5(2)(b).</li> <li>d. The NZCPS directs identification and management of natural character in the coastal environment. The proposed objective is considered appropriate in respect of direction from the NZCPS, especially Policy 13 - Preservation of Natural Character. Chapter 8 of the CRPS includes recognition of the importance of natural character in the coastal environment including Objective 8.2.4 - Preservation, protection and enhancement of the coastal environment, and a specific Policy 8.3.4 - Preservation of the natural character of the coastal environment. The proposed objective is appropriate with respect to the NZCPS and CRPS.</li> <li>e. The objective will implement the amended Strategic Directions objective, including:             <ol style="list-style-type: none"> <li>i. Objective 3.3.1(c) which requires recovery activities to 'sustain the important qualities and values of the natural environment'.</li> <li>ii. Objective 3.3.2 which requires amongst other matters, to '... set clear objectives and policies; and use clear and concise language'.</li> <li>iii. Objective 3.3.9 (b)(ii) which specifically addresses natural character.</li> </ol> </li> <li>f. Consideration was given to whether alternative objectives would more appropriately achieve the purpose of the Act. A variation for instance on an aspect of the objective, would be to include the list of areas of natural character within the objective. However, the areas are not as easily translated into a list and are considered to be better addressed at the policy level (on a coastal geographical area basis). Further detail on identification and management of the different levels of natural character (such as outstanding compared to at least high, corresponding to the provisions of NZCPS) is also provided in the proposed provisions of Chapter 9<sup>21</sup>.</li> </ol> <p>2. Overall Assessment of the Appropriateness of the Objective</p> <ol style="list-style-type: none"> <li>a. The proposed objective is considered to be the most appropriate to achieve the purpose of the RMA.</li> </ol>
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<sup>21</sup> Policy 13, NZCPS provides for identification and management corresponding to whether areas in the coastal environment are outstanding, or at least high natural character.

	<p>b. This objective reflects the detailed higher order statutory direction, especially with respect to natural character in the coastal environment being a matter of national importance (section 6(a) of the RMA).</p> <p>c. It takes direction from higher order documents, especially in the case of landscapes from the NZCPS and the CRPS. The use of the word 'preserve' within the objective is directly linked to section 6(a) as well as the NZCPS and CRPS and is considered necessary and appropriate at the district level and with respect to the range in levels of significance for natural character (including outstanding and at least high) for which supporting policy direction and rules are provided.</p>
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3.3 Evaluation of Proposed Objective – Historic Heritage

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
<p>Objective 9.3.1</p> <p>Historic heritage is maintained recognising the important contribution it makes to the district's distinctive character and identity, and role in recovery.</p>	<p>1. Relation to Resource Management Issue</p> <p>a. Objective 9.3.1 seeks the outcome of maintaining historic heritage. This objective is related to all of the historic heritage resource management issues 1 -3.</p> <p>b. The objective provides the over-arching, outcome for this Chapter to maintain historic heritage which falls within the definition in the RMA, and which is a matter of national importance under s6(f).</p> <p>c. The use of 'maintained' is appropriate in an objective context as it encompasses both retention (including the process of identification) and management through regulatory and non-regulatory methods. The objective is considered to be appropriate to meet the purpose the RMA (s5) by assisting in providing for community, social, economic and cultural well-being. Historic heritage is part of the natural and physical environment, and the objective is appropriate with reference to section 5(2)(c), avoiding, remedying, or mitigating any adverse effects of the activities on the environment.</p> <p>d. As set out in the scale and significance section above, the CRPS contains objectives and policies for the identification and protection of significant historic heritage (CRPS, Chapter 13, Objective 13.2.1). This includes working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them (CRPS, Chapter 13 Policy 13.3.1). It further sets out to have "... regard to any relevant entry in the Historic Places Register in the process of identifying and assessment the historic resource" (Policy 13.3.1 (3)). Of particular relevance is that under this policy, and Policy 13.3.3, historic cultural and historic heritage</p>

	<p>landscapes there is a breadth of significant historic heritage required to be recognised and provided for. The proposed historic heritage objective is intended to provide direction at the policy and rules level for the identification and management of a wide range of historic heritage.</p> <p>e. The proposed objective is appropriate in the context of the NZCPS, which recognises the importance of, and management of historic heritage resource in the coastal environment, this includes the policy specifically addressing historic heritage (Policy 17 – Historic heritage identification and protection). The proposed objective implements the NZCPS, as it enables a wide range of historic heritage to be identified.</p> <p>f. The objective takes into account the outcomes sought by the CCRP, the LURP and the IMP. The IMP provides detail on places of importance to tangata whenua, and process considerations for managing development - including the range of places of importance, including cultural landscapes. The objective is appropriate in the context of the IMP and will provide a framework (along with other Chapter objectives and Strategic Directions objectives to maintaining Ngāi Tahu values).</p> <p>g. The proposed objective implements Strategic Directions Objective 3.3.2 (Objective – Clarity of language and efficiency). It is appropriate to have a tailored objective to historic heritage, including to directly refer to 'historic heritage' contained within Chapter 9. It takes direction from the Strategic Directions Objective 3.3.9 in particular clause (c). The objective takes direction from Objective 3.3.3 Ngāi Tahu Manawhenua.</p> <p>h. The objective does not detail the full range of historic heritage to be maintained. This is provided for within the provisions and is considered appropriate for historic heritage, given the breath of historic heritage and the high number of places (refer to the schedules for significant historic heritage places and for silent file areas). The policies and supporting rules, and associated Schedules provide for further differentiation and directions concerning the classification of significance for heritage items and settings.</p> <p>i. Consideration was given to including an additional objective, specifically concerning historic heritage and role of maintaining it in a recovery context. It is not considered necessary to have an additional objective on this matter, particularly given the overall emphasis in the Strategic Directions objective on recovery. Moreover, this detail can be more directly and appropriately implemented at the level of the policies and rules.</p>
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	<p>3. Overall Assessment of the Appropriateness of the Objective</p> <p>a. Given the requirements in higher order documents pertaining to historic heritage and S6(f) RMA, there is a need for an objective(s) that clearly concerns the topic of historic heritage. Given the direction in higher order statutory documents there is little option to consider approaches that differ substantially from that proposed.</p> <p>b. The objective meets the requirements of the Act. It is the most appropriate in terms of achieving the purpose of sustainable management of the RMA.</p>
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3.4 Evaluation of Proposed Objective – Trees

OBJECTIVE MOST APPROPRIATE WAY TO ACHIEVE THE PURPOSE OF THE RMA	
Objective	Summary of Evaluation
<p>9.4.1 Objective - Trees</p> <p>Maintain and enhance the contribution of significant trees, and trees in the road corridors, parks, reserves and public open space, including in relation to:</p> <ul style="list-style-type: none"> <li>a. landscape character and amenity;</li> <li>b. cultural values;</li> <li>c. purification of air and rainwater;</li> <li>d. releasing oxygen and storing carbon;</li> <li>e. cooling of the built environment and waterways;</li> <li>f. stormwater and erosion management;</li> <li>g. biodiversity protection and enhancement.</li> </ul>	<p>1. Relation to Resource Management Issue</p> <ul style="list-style-type: none"> <li>a. This objective is directly related to the removal and maintenance of significant trees.</li> <li>b. The objective reflects the strategic context and purpose of the RMA, and other higher order documents including <ul style="list-style-type: none"> <li>i. Section 5 of the RMA which relates to sustainable management of resources, cultural well-being, and the life-supporting capacity of air, water and soil;</li> <li>ii. Section 6(e) of the RMA which relates to the relationship of Maori to taonga, including trees used for food, art and medicine;</li> <li>iii. Section 7(c) of the RMA requires that the Council shall have particular regard to achieving the sustainable management of natural and physical resources. This objective provides for the protection and enhancement of the city’s significant trees which are noted as contributing significantly to the city’s character and amenity.</li> <li>iv. Section 7(f) of the RMA requires Council to have particular regard to the maintenance and enhancement of the quality of the environment. Significant trees contribute to the quality of the urban environment.</li> <li>v. Section 31 (1)(b)(iii) requires that the Council maintain biological diversity. Although not all significant trees are indigenous, the objective assists in the maintenance of biological diversity.</li> <li>vi. Is not inconsistent with the LURP or the Recovery Strategy.</li> </ul> </li> <li>c. The objective implements the amended Strategic Directions Objectives, including: <ul style="list-style-type: none"> <li>i. 3.3.1(c) which requires recovery activities to ‘sustain the important qualities and values of the natural environment’;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>ii. 3.3.2 which requires the district plan to minimise costs, rules and reliance on consent processes, requirements for notification and written approval; and to set clear objectives and policies; and use clear concise language;</li> <li>iii. 3.3.7(a) and (b) which require a high quality urban environment;</li> </ul> <p>d. The objective is not inconsistent with the LURP, the CCRP and takes into account the outcomes sought by the IMP.</p> <p>e. Given the direction provided by the documents above, there is little option to consider approaches that differ substantially from that proposed.</p> <p>f. The Order in Council is very similar to Strategic Direction Objective 3.3.2, in that it requires the district plan to minimise costs, rules and reliance on consent processes, requirements for notification and written approval; and to set clear objectives and policies; and use clear concise language.</p> <p>Overall Assessment of the Appropriateness of the Objective</p> <p>a. Consideration was given as to whether alternative objectives would more appropriately achieve the purpose of the Act, taking into account circumstances of the district and also the statutory direction provided in the RMA and the CRPS. Having determined that a policy framework is necessary, the question then is more about what the Council has to or wishes to achieve – i.e. what is the Council’s objective.</p> <p>b. Consideration was given to the following options:</p> <ul style="list-style-type: none"> <li>i. an objective which directs the protection of significant private and significant public trees;</li> <li>ii. an objective which directs the protection of significant private trees;</li> <li>iii. an objective which directs the protection of significant private trees and trees in parks, open spaces and streets (either all of those meeting criteria).</li> </ul> <p>c. The Council has predominately focused the assessment of significant trees (i.e. for inclusion on a schedule) on privately owned trees and has also recognised the significance of trees in for instance streets and open spaces (in public ownership) It recognises that these trees will include some that are significant, and also that they provide material environmental services. They also contribute to the garden city aspect of Christchurch and add significantly to amenity in Cooptown and Akaroa.</p> <p>d. On this basis, the Council has identified (iii) above as the preferred objective.</p> <p>e. In particular, the objective will enable the sustainable management of resources by directing the maintenance and enhancement significant and public trees. It enables section 6(e), 7(c) and 7(f) in the same manner.</p>
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	<p>f. In relation to the Order in Council and the decision on the Strategic Directions Chapter, the objective is considered appropriate, specifically:</p> <ul style="list-style-type: none"> <li>a. Objective 3.3.1(c) which seeks to sustain the important qualities and values of the natural environment during recovery;</li> <li>b. Objective 3.3.9(a) and 3.3.9(c) in that Objective 9.1.1 enables management as sought by in these clauses.</li> <li>c. The Order in Council at 3.3.2 in that Objective 9.1.1 is clear, concise and does not seek a consenting regime which is inconsistent with the Order in Council, given the statutory context outlined above.</li> </ul>
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## 4 EVALUATION OF PROPOSED POLICIES, RULES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the provisions are the most appropriate way to achieve the objectives by identifying other reasonable practicable options, assessing the efficiency and effectiveness of the provisions in achieving the objectives, and summarising the reasons for deciding on the provisions.

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the provisions, including opportunities for economic growth and employment. The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter. Wherever practicable cost information is provided for instance with respect to the costs for replacing trees, and information provided on the costs of resource consent processing heritage applications.

A report prepared by Market Economics titled 'The Economics of Natural and Cultural Heritage Assets: Recommendations for Policy development' is attached at Appendix 10. This report is relevant to the four broad topic areas. It informs this stage of the Section 32 evaluation and provides recommendations for further work. The report provides detail on the economic attributes of heritage assets and on the values of heritage, including who accrues the benefits and costs. It provides overall commentary and recommendations at a broad level and including per topic area. As part of the overall recommendations it finds a combination of complementary tools are recommended to achieve natural and historic heritage outcomes through the district plan (refer page 4). This includes both regulatory and non-regulatory tools (methods), and this is discussed in the evaluation section below.

### 4.1 Summary of Policy Options

This section outlines the proposed changes, key alternatives considered, evaluates costs and benefits, including the effectiveness and efficiency of the changes proposed. Either within each topic table below of prior to it a summary of key alternatives considered is provided.

### 4.2 Evaluation of Proposed Provisions – Indigenous Biodiversity and Ecosystems

PROVISIONS (POLICY, RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
Relevant objectives: <b>9.1.1.1 Objective: Indigenous biodiversity and ecosystems</b>	
Provision(s) most appropriate	Effectiveness and Efficiency

<p>9.1.1.1.1 Policy: Identification of ecological significance</p> <p>9.1.1.1.2 Policy: Land management</p> <p>9.1.1.1.3 Policy: Cultural Heritage and customary rights</p> <p>9.1.1.1.4 Policy : Incentives and assistance to maintain and enhance indigenous biodiversity</p> <p>9.1.1.1.5 Policy : Offsetting</p> <p>Rule 9.1.2.2.1 Permitted Activities – Indigenous biodiversity and ecosystems</p> <p>Rule 9.1.2.2.3 Restricted Discretionary Activities</p> <p>Rule 9.1.2.2.4 Discretionary Activities</p> <p>Rule 9.1.2.2.5 Non-complying Activities</p> <p>9.1.3 Matters of Discretion</p> <p>Relevant definitions, including the following key definitions:</p> <ul style="list-style-type: none"> <li>• Indigenous vegetation</li> <li>• Indigenous biodiversity</li> <li>• Indigenous vegetation clearance</li> </ul> <p>Appendix 9.1.5.1 Schedule of Sites of Ecological Significance</p> <p>Appendix 9.1.5.2 Schedule reference map - Sites of Ecological Significance (Christchurch City)</p> <p>Appendix 9.1.5.3 Schedule reference map - Sites of Ecological Significance (Banks Peninsula)</p>	<p>1. Effectiveness</p> <p>a. The proposed policies clearly set out the way the objective will be achieved. They set out how areas of significant indigenous vegetation and significant habitats of indigenous fauna will be identified and protected. As this is a very directive objective (and is so because of the clear direction from higher order documents), there is little room for ambiguity in developing policies to achieve this objective.</p> <p>b. The policies, therefore, closely reflect the requirements of higher order documents. In this way they are very effective in achieving the objective and indeed there is limited other options for giving effect to Chapter 9 CRPS and associated Appendix 3.</p> <p>c. A policy has been provided for consideration of biodiversity offsets as a possible method for dealing with residual adverse effects on significant values that are capable of being offset. This, again, is in line with higher order documents (CRPS).</p> <p>d. The method of identification of Sites of Ecological Significance by using an overlay (layered over the underlying land zoning) is considered effective in recognising that the values of areas of significant indigenous vegetation and significant habitats of indigenous fauna are not related to cadastral boundaries or zone boundaries but are defined according to the criteria for being significant. This overlay method is well established throughout New Zealand as an effective method of identifying areas of particular special value.</p> <p>e. In addition to Sites of Ecological Significance, the proposed provisions seek to protect 'other indigenous vegetation', as required by the CRPS (at Policy 9.3.1 (Method 3)). This is to ensure that areas of indigenous vegetation not surveyed by the Council are protected. To do this, the provisions add to the existing definition of significant indigenous vegetation taken from the operative BPDP, rather than using the CRPS criteria used to determine significance. The addition is required because the definition did not include the former Christchurch City area. The addition requires that activities involving the clearance or more than minor pruning of all naturally occurring indigenous vegetation on the low plains would require consent to reflect the rarity of remnant indigenous vegetation and the inclusion of rarity in the criteria at Appendix 3 of the CRPS. In other words, the Council considers that all naturally occurring indigenous vegetation on the low plains is significant due to its rarity. The Council has elected to use this definition by integrating it into the rules to minimise consenting (outside the low plains) requirements. It does this by identifying particular indigenous vegetation types, some with thresholds, as a starting point rather than a broader definition of any</p>
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<p>Appendix 9.1.5.4 Ecological Districts Map</p> <p>Planning Maps – notation of Sites of ecological significance</p>	<p>indigenous vegetation. Combined with permitted day-to-day land management activities, this provides clarity to landowners and plan users. Clearance of these specified vegetation types triggers a resource consent where ecological significance of a development can be assessed along with ecological significance as directed by the CRPS.</p> <ul style="list-style-type: none"> <li>f. The rules as a package are considered effective in managing the clearance of indigenous vegetation that could cause adverse effects on the values that make these areas significant. The rules have been developed from an understanding of the values and the potential threats to those values, informed by the work undertaken by ecologists. The rules have been designed to enable day-to-day land management activities and other activities that will maintain and enhance indigenous biodiversity values. These values are set out in the Statements of Significance (attached to the Section 32 report). The statements are the result of the surveys and assessment work as described in the technical report (at Appendix 2).</li> <li>g. The vegetation clearance rules will work together with the rules for the relevant zone and other District wide rules such as earthworks. For ease of use all rules relating to clearance of indigenous vegetation are contained in Chapter 9.1.</li> <li>h. Consideration has also been given to the application of activity statuses for various activities. In this way it is intended that the rules provide direction in terms of what activities are anticipated, accepted if well managed, or not anticipated. Where it is highly likely that an activity will lead to adverse effects that cannot be adequately avoided, remedied or mitigated, then it has been set as a non-complying activity to give clear direction that such activities are seen as inappropriate within an areas of significant indigenous vegetation and significant habitats of indigenous fauna.</li> <li>i. In considering activities and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna, beyond those identified as usually inappropriate, there is a need to consider how a proposal can be implemented while maintaining the identified values. Sometimes it is not a case of what an activity is but how it is managed that will determine whether it is appropriate or not (i.e. whether it can maintain the significant values). It is intended that the rules for restricted discretionary / discretionary activities be used as a mechanism to trigger a process between the Council and an applicant in better understanding significant values and ensuring that adverse effects are appropriately managed in a case by case manner.</li> <li>j. This package of rules for various activities and the process of considering consent applications is seen as being an</li> </ul>
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	<p>effective method of considering whether proposals will have adverse effects on significant values or not. Without such case by case consideration, there is a high risk of either ruling out activities that can be well managed or alternatively allowing activities that could lead to adverse effects. Again such an approach is well established across the country.</p> <ul style="list-style-type: none"> <li>k. In identifying and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna there are opportunities for at least maintenance of, or potentially growth in economic and employment factors, through the maintenance of special values to the community and in particular through visitors contributing to tourism.</li> <li>l. The Council has had to prioritise which areas to survey. It has, however, had the benefit of a significant amount of literature and previous surveys in doing so. It is proposed to continue surveys post DPR and to propose further sites of ecological significance in future plan change(s).</li> <li>m. Within the Central City, the Otakaro/Avon River is identified as an SES. The SES relates to the area within the bed of the river as a habitat for indigenous fauna. The Avon River is recognised in the CCRP with improvements to the river to improve in-stream values and public access. While the SES will be subject to the rules managing indigenous vegetation clearance activities in an SES, it is unlikely that this will trigger consents. It is not considered that the provisions will affect the recovery of the central city and will be efficient in protecting the SES.</li> <li>n. In addition, a number of non-regulatory methods will provide assistance for landowners in managing indigenous biodiversity include a landowner support package and support and advice from park rangers.</li> <li>o. Overall it is considered that the policies, overlay, and rules approach will be successful in achieving the objective.</li> </ul> <p>2. Efficiency</p> <ul style="list-style-type: none"> <li>a. Placing quantitative values on the benefits and costs of identifying and protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna is difficult as they are mainly an expression of qualitative values. Further discussion on this (as well as for other topic areas in this report) can be found in the report at Appendix 10. This includes the range of values of why these areas are important but are difficult to quantify in a monetary sense. It is commonly understood that there will be substantial qualitative benefits in identification and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna to the wider community and this is why they have been identified in the RMA as being a matter of national importance. However, it is also clear that there</li> </ul>
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	<p>may be situations where there is a direct financial cost to landowners in seeking consent for activities within a site of Ecological Significance (SES) (and potentially in not being able to undertake some activities within SES).</p> <p>b. The proposed package of policies and methods provide for a level of day-to-day land or conservation management activities that can be undertaken without requiring consent (where appropriate) and subject to standards. Therefore, this minimises the number of consents required. In addition where consents are required they are proposed at the lowest level of consenting considered appropriate to protect significance values, therefore minimising the extent of development controls.</p> <p>c. Non notification clauses have been used for restricted discretionary activities. Beyond this it is considered appropriate to rely on a case-by-case assessment to consider notification requirements due to the variation in effects between vegetation types, habitats and development scenarios that may trigger a consent to clear indigenous vegetation. There is also a lot of community interest in indigenous biodiversity values.</p> <p>3. Benefits</p> <p>a. The benefits of the identification and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna accrue particularly to the wider community as these areas form a fundamental part of the character and amenity of the district.</p> <p>b. The environment will be supported and potentially in places enhanced over time, through the protection of these significant areas. The long term protection of these areas has benefits to the environment as a whole.</p> <p>c. The benefits of protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna also support wider economic aspects such as tourism from the values that visitors place on these areas.</p> <p>d. The use of an overlay is clear in identifying which areas are significant, and therefore, benefits the landowners affected, the wider community, and those implementing the Plan.</p> <p>e. Similarly the rules are clear about the intentions for activities within SES and this will make it easier for all users of the Plan.</p> <p>f. The rules also clearly indicate other indigenous vegetation types that require consent for clearance. This allows for a more tailored approach to clearance of identified vegetation types.</p> <p>g. The rules complement a support package proposed for landowners, as outlined in detail in the Technical Report - Sites of Ecological Significance Report at Appendix 2.</p>
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	<p>4. Costs</p> <p>a. The most direct potential cost is to landowners of properties identified as SES, where the identification of the area and application of rules to that area may reduce the scope or number of potential activities that can be undertaken as of right.</p> <p>b. There is also impact on owners of property where indigenous vegetation is located generally. Increasing the scope of rules may mean that landowners are required to seek resource consent for activities that they previously did not need consent for. This is a cost in terms of preparation for consent and application fees, as well as time related costs. In addition, it is possible that there may be some activities that landowners had aspirations for that can no longer be realised as they would not be appropriate within an area of significant indigenous vegetation or significant habitat of indigenous fauna.</p>
<p>Options less or not as appropriate to achieve the Objectives and Policies:</p>	
<p>Option 2 (Status quo – current policies and rules)</p> <p>1. City Plan:</p> <p>a. Generic objectives regarding natural resources and the natural environment.</p> <p>b. Policies relating to ecological heritage areas and significant natural areas.</p> <p>c. Ecological heritage sites shown on planning maps.</p> <p>d. Rules relating to vegetation removal on parts of the Port hills and within ecological heritage sites.</p> <p>2. BPDP</p> <p>a. One objective specifically regarding indigenous biodiversity and ecosystems.</p> <p>b. Policies specifically regarding significant indigenous vegetation and habitats of indigenous fauna.</p> <p>c. Ecological areas shown as an overlay on planning maps.</p>	<p>Appropriateness</p> <p>This approach is very limited in achieving the objective and policies for identification and protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, for the following reasons:</p> <p>i. Ecological heritage sites identified in the City Plan where identified using different criteria to that used to determine significance under the current CRPS criteria.</p> <p>ii. The BPDP does not identify specific sites where the CRPS requires the Council to do so against particular criteria.</p> <p>iii. The City Plan and BPDP adopt different approaches, making it difficult to bring together in the pRDP.</p>

<p>d. Rules relating to clearance of significant indigenous vegetation.</p> <p>e. Definitions relating to significant indigenous vegetation</p>	
<p>Option 3 – Reliance solely on non-regulatory methods</p>	<p>Appropriateness</p> <p>To the extent possible given the direction in the CRPS and NZCPS in particular, protecting indigenous biodiversity through non-regulatory options might involve:</p> <ul style="list-style-type: none"> <li>- Council and private funds to create awareness, promote community initiatives, working-bees, advisory roles.</li> </ul> <p>This already happens on Banks Peninsula in particular and the Council has some funds available through the Long Term Plan to encourage this to continue.</p> <p>There is, however, a need for there to be a line in the sand – these are matters of national importance and it is considered appropriate that there are rules to provide a means through which the Council can ensure that these matters are at least maintained.</p>
<p>Risk of Acting or Not Acting</p>	
<p>There has been substantial technical work undertaken by ecologists to understand and document the ecological values of the areas identified as SES. There is a high level of understanding of the importance of robust identification and protection processes. This is further supported by an established process within the Ecological profession to undertaking such work, and through the CRPS setting the applicable criteria for assessment to be used across the Canterbury Region for identifying SES. Further discussion is provided in the Technical Report - Sites of Ecological Significance at Appendix 2.</p> <p>Given that the issues around identification and protection of areas of significant values are well established nationally, there is a high level of understanding of the areas and values, together with the potential threats to values and therefore the need for appropriate management of activities and development. It is not considered that there is a high risk in implementing policy and methods relating to significant indigenous biodiversity, however, not including the proposed policies and rules would mean the loss of a significant tool the Council has in ensuring indigenous biodiversity is maintained. Further, not including rules would be contrary to the CRPS (Policy 9.3.2).</p>	

#### 4.3 Evaluation of Proposed Provisions – Landscape and Natural Character in the Coastal Environment

An overview of the approach to the review of the district’s ONL/Fs, Significant Landscapes and Features (SL/Fs), and CNCs is provided by the technical landscape overview report, attached as Appendix 3.2.

A comprehensive study of Banks Peninsula landscapes was undertaken by Boffa Miskell Ltd for the Council in 2007, referred to as Banks Peninsula Landscape Study, 2007. This formed the basis for the operative BPDP identification of ONLs, rural amenity landscapes, ONFs, CNCs areas and the framework of objectives, policies, methods and rules. As part of the DPR an addendum report has been prepared to address any changes to the landscape and natural character in the coastal environment that has occurred since 2007 and to reflect the requirements of the NZCPS 2010. The addendum report is attached at Appendix 3.

By comparison the operative City Plan has limited provisions and references to landscapes. Prior to the DPR no comprehensive landscape study had been prepared at a city-wide scale. In 2014, the Council engaged Boffa Miskell Ltd to undertake a city-wide assessment of landscapes and assess the natural character values of the Coastal Environment in accordance with the NZCPS 2010. A goal of the study was to ensure that the ONF/Ls proposed in the DPR are consistent with each other in terms of their value and boundary identification. The resulting report is referred to as the Christchurch Landscape Study, 2014 and is attached as Appendix 3.3.

An economic evaluation is provided by the Market Economics report<sup>22</sup> attached as Appendix 10. The report discusses heritage as an asset, how it is regarded within economic valuation processes and presents a methodology to evaluate heritage policy in light of the ownership of heritage assets by groups of individuals, yet benefits derived from those assets from different individuals.

### Broader level options

The following sets out the main options considered and an explanation of what each option entails. These broader options are considered relevant to the three main topic areas of ONFLs, SNFLs, and CNCs.

#### Option 1 (*Proposed Approach*) - Use of Regulatory and Non-regulatory methods

Under option 1 ONL/Fs and SL/Fs and CNCs areas are identified at a district level. An objective and policy framework is provided to support their identification and management, and coupled with a range of methods for management, with the main method being District Plan maps, schedules and rules. The rules and schedules are grouped:

- a. Outstanding natural features and landscapes
- b. Significant features and landscapes
- c. Natural character in the coastal environment

The name applied to the Banks Peninsula Rural Amenity Landscapes under the Operative BPDP is amended to a Significant Landscape for consistency in terminology across the district.

Within the coastal environment areas have been identified as having:

- i. Natural character;
- ii. At least high (and very high) natural character; and
- iii. Outstanding natural character

This option draws on technical information from the landscape studies to determine the local context, and to inform the issues and options for management and regulatory provisions necessary. It involves developing provisions to reflect the NZCPS, CRPS, and the landscape studies and retaining existing provisions where monitoring has demonstrated them to be effective. In conjunction with the Order in Council and Statement of Expectations directions, for example to provide for less reliance on consenting, an appropriate mix of regulation is proposed. It includes consideration of use of non-regulatory methods, for example guidance and free advice to landowners and other methods.

The Market Economic report concludes *"In this context, it is appropriate to use a mix of regulation (where heritage maintenance is threatened) and non-regulation (where incentives can stimulate heritage protection) in order to maximise the provision of heritage within Christchurch while also considering the distribution of heritage effects on private land."* (refer Appendix 10 Market Economics report, page 52).

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<sup>22</sup> The Economics of Natural and Cultural Heritage Assets: Recommendations for policy development

Option 2 Maintain the status quo.

This options means retaining the existing provisions in the City Plan and the BDP. This includes continuing to manage those places within Banks Peninsula which already have a landscape or coastal natural character overlays. The approach across the district would be inconsistent as within the city there are currently no specific landscape provisions.

Deficiencies with the existing plan provisions as identified in the section 35 report "Evaluating the effectiveness and efficiency of the Christchurch City Plan (2011)" would not be addressed. Under this option the provisions would not reflect the NZCPS 2010, CRPS, and the landscape studies.

Option 3 Adopt a more permissive approach to activities within landscapes and the coastal environment with minimal regulation and use of non-regulatory methods.

This option would reduce resource consent and compliance costs. Market Economics report concludes "Subsidising, or providing free-of-charge, information, advice or technical knowledge from Council staff members to owners of natural and cultural heritage assets places can be a highly effective incentive, as can holding heritage events and recognising heritage best practice through award giving." (Market economics report, page 37). Incentives do not guarantee protection or preservation and under this option the Councils statutory responsibilities under the RMA or strategies, plans and policies would not be given effect to.

PROVISIONS (POLICY, RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
Relevant objectives:  9.2.1.1 Objective – Outstanding Natural Features and Landscapes 9.2.1.2 Objective – Significant Features and Landscapes 9.2.1.3 Objective – Natural Character in the Coastal Environment	
Provision(s) most appropriate	Effectiveness and Efficiency
Option 1 ( <i>Proposed Approach</i> ) Use of Regulatory and Non-regulatory methods  Policies 9.2.2.1 - 9.2.2.10  Rules 9.2.3  Matters of discretion 9.2.4  Relevant definitions, including the following key definitions: Naturalness Landscape  Chapter 9 Appendices - Schedules	1. Effectiveness Option 1 is considered to be the most effective in achieving the objectives:  The provisions (policies and methods) provide for the identification and management of those places assessed as ONL/Fs SL/Fs and CNCs through the recovery period by directly identifying features and landscapes in the district plan. This is effective in identifying the resource to be protected. Clear identification of landscapes and features enables a range of methods to be effectively applied, including application and prioritisation of non-regulatory methods.  The proposed policies detail the qualities - the values of these places. This enables the full range of values to be recognised including biophysical, sensory and associative (as derived from the landscape assessment work). The matters of discretion set out the relevant matters for ONFLs and SFLs. This includes emphasis on ONL special qualities such as openness.  Understanding the range of values for why these features and landscapes (places) are outstanding or significant, and then

<p>Planning Maps – notation of ONFLS, SLFLs and Natural Character areas</p>	<p>tailoring the management of them accordingly relative to their classification and specific values assists in meeting obligations under Part 2 of the RMA.</p> <p>The protection of ONF/Ls from inappropriate subdivision, use, and development is a matter of national importance under section 6(b) of the RMA. Outstanding features and landscapes within the district should be afforded appropriate recognition within the district plan (identification and regulatory provisions) so that they can be managed and protected from inappropriate subdivision, use and development.</p> <p>Significant Landscapes and Features are also important within the district. These are a tier below those directly provided for under section 6b of the RMA. It is recognised that they have a range of values with overlapping qualities and importance connected to sections 6, 7, and 8 of the RMA as set out earlier in this report.</p> <p>The landscape technical reports are derived out of an assessment focused on ONF/Ls (i.e. in contrast to an assessment for instance which may have focused on historic heritage or historic cultural values), where values were ranked i.e. to determine significant or outstanding classification. Many of these SFLs fell just below the threshold of outstanding. Refer to the landscape technical reports undertaken for Banks Peninsula and for Christchurch City (Appendices 3.1 – 3.3) for further detail on how places were assessed and classified.</p> <p>The NZCPS 2010 and CRPS 2013 establish clear directives for the management of the coastal environment. The NZCPS acknowledges that the coastal environment has characteristics, qualities and uses that mean there are particular challenges in promoting sustainable management. It contains comprehensive objectives and policies that address the coastal environment, natural character, natural features and landscapes, the role of tangata whenua, public access, recreation and coastal hazards. This report focuses on natural character while the other attributes are addressed in detail in the Coastal chapter and Coastal Section 32 report.</p> <p>As outlined in the technical report and Christchurch Landscape Study, the environments with the greatest natural character are those with comparatively low levels of human modification and are, therefore, composed of natural elements appearing in natural patterns and underpinned by natural processes. Natural character is not defined in the RMA or in the NZCPS 2010. Assessing natural character is not new and the methodology which has been developed draws on the considerable experience gained from evaluating coastal landscapes over the past fifteen to twenty years and on case law.</p>
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	<p>The NZCPS under Policy 13(2) confirms that natural character is not the same as natural features and landscapes or amenity values. The policy also lists a number of matters that may be included in natural character. The methodology developed for the Ōtautahi/Christchurch Landscape Study incorporates these matters in line with best practice. The matters under NZCPS Policy 13 include (but are not limited to):</p> <ul style="list-style-type: none"> <li><i>(a) natural elements, processes and patterns;</i></li> <li><i>(b) biophysical, ecological, geological and geomorphological aspects;</i></li> <li><i>(c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;</i></li> <li><i>(d) the natural movement of water and sediment;</i></li> <li><i>(e) the natural darkness of the night sky;</i></li> <li><i>(f) places or areas that are wild or scenic;</i></li> <li><i>(g) a range of natural character from pristine to modified;</i></li> <li><i>(h) experiential attributes, including the sounds and smell of the sea; and their context or setting."</i></li> </ul> <p>Natural character has been assessed on a continuum of modification that describes the degree of expression of natural elements, patterns and processes (i.e. of the 'naturalness') in a coastal landscape/ecosystem where the degree of 'naturalness' depends on a number of factors (as detailed in the Landscape Technical Report). The methodology rates natural character on a seven-point scale from Very High (lowest amount of modification) to Very Low (greatest amount of modification). The methodology for the assessment of natural character within the district is described in detail in the Ōtautahi / Christchurch Landscape Study 2015 and the Te Pātaka o Rākaihautū / Banks Peninsula Landscape Review Addendum Report 2015.</p> <p>The proposed approach includes ensuring management for the remaining areas of natural character in the coastal environment, not identified as outstanding or at least high natural character.</p> <p>Restoration of natural character has potential for long term environmental benefits. Implementation is potentially expensive, for example, fencing off areas to allow indigenous vegetation to re-establish. This policy will be implemented primarily through other methods as these are considered more efficient.</p> <p>The policies the landscape and natural character sections of Chapter 9 provide direction on the types of activities that have the potential to adversely impact on the qualities, the values of these places. They also describe activities to be encouraged. An example is for the Banks Peninsula ONL and Significant landscape, whereby the policies provide for conservation activities and enabling the</p>
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	<p>continuation of farming activities which complement rural landscape character.</p> <p>The policies are directive and positive wherever possible to support activities which are central to protecting the qualities of the landscapes and features. The policies and the rules differentiate the level of protection required between ONFL and SFL. This is necessary as some areas across the district, including the Port Hills and Banks Peninsula, have parts therein which are outstanding or significant<sup>23</sup>. The provisions are generally less restrictive for SFLs than for ONFLs as these places are more likely to be able to absorb to change than ONFLs before their values are undermined. However, wherever appropriate the rules provide for some permitted activities or less restrictive consenting requirements (including non-notification) within the areas defined as ONFL. The rules are informed by the management recommendations within the Technical landscape reports, including recognition that some areas which are more sensitive to change than others, or that certain types of development are more likely to occur.</p> <p>Farming is one of the backbones of the Banks Peninsula economy and also integral to maintaining some of the landscape qualities. Farm buildings are a necessary part of these operations and providing for additional farm buildings is considered to have benefits that outweigh the potential adverse effects on the landscape qualities in ONFLs and need to be provided for. The ONFL areas are less geographically extensive and are considered more sensitive to modification by any building and accordingly are subject to resource consent.</p> <p>Farming is also recognised in the matters of discretion, requiring consideration of whether a proposal supports the continuation of farming activities, in particular pastoral farming, which complements the landscape.</p> <p>Small scale additions to existing buildings are provided for as a permitted activity, subject to standards.</p> <p>Many of the ONFLs and SFLs are used for recreation activities, in particular areas in Banks Peninsula and on the Port Hills. The policies and rules provide for associated recreation facilities providing they are compatible with landscape qualities. This includes for instance buildings being permitted, subject to meeting a reflectivity standard.</p> <p>For Banks Peninsula a buffer area to the ONFL is proposed to be continued as exists in the Operative BPD, moreover, the retention of provisions concerning Important Ridgelines. For Banks Peninsula (as opposed to the city) the provisions have been in effect for some years under the Operative BPD.</p>
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<sup>23</sup> The geographical boundaries are notated in the corresponding schedules and planning maps.

	<p>Many of the provisions are currently working well or require adjustments for improvement. They have been continued wherever possible, or modified to an extent (where appropriate) in consideration of the Statement of Expectations (for example, less reliance on consent) and the Strategic Directions decision. This is demonstrated for instance through the use of a number of permitted activities with standards (such as building reflectivity). Refer also to the underlying zone chapters for further detail on methods applicable to Significant landscape layer. The rules for the Banks Peninsula SL primarily fall within the underlying zone chapters (namely for much of the Peninsula within the rural zone). This draws on an approach similar to the Operative BPDP.</p> <p>Landscape overlays are being used on Planning Maps in order to clearly identify the extent of all Outstanding and Significant Natural Landscapes and Features and coastal natural character areas. These overlays will 'sit above' the underlying zones and relate to specific objectives and policies within the proposed Natural and Cultural Heritage Chapter, together with rules (where additional provisions are required) but will otherwise rely on the underlying zone rules.</p> <p>Where land is in public ownership the regulatory provisions will work in tandem with Council strategies and management plans for instance for recreation areas and facilities.</p> <p>On public land, Council bylaws provide an effective method to manage people, nuisance and access.</p> <p>2. Efficiency</p> <p>The rules for the overlays need to be read together with underlying zone rules, district wide rules. This include, for example those concerning subdivision, earthworks and utilities and general city rules (e.g. setbacks from waterways). In addition the rules of this Chapter will also apply to some activities undertaken in these landscape overlays (for instance the rules for the clearance of 'other indigenous vegetation' and for sites of ecological significance'). These rules are not repeated within this chapter, thereby avoiding duplication.</p> <p>The definition of naturalness is included to assist in the interpretation of the policies.</p> <p>The landscape reports can be used to inform assessment of development proposals (as is the case currently for Banks Peninsula with the Banks Peninsula Landscape Study 2007), for example for resource consents, in consideration of plan change proposals, and for use outside of the district plan, i.e. for other methods.</p>
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	<p>The features and landscapes are identified in the Schedules to Chapter 9 and through notation on the Planning Maps. A unique identification number is assigned to each landscape, feature for reference purposes. This assists in locating feature or landscape (the overlay) within the district.</p> <p>Many of the enabling provisions (list of permitted activities) are found within the underlying zones. Key activities which support ONFLs and SFLs, for example are proposed to be permitted in the Rural Banks Peninsula and Open Space Natural Zones (part of Stage 2 of the DPR).</p> <p>Recognition of the potential need for flood protection works (through hard or soft engineering solutions) with respect to natural hazards is provided for at the policy level for many of the overlays, particularly for the city, such as for the Waimakariri River and for the rivers identified as SFLs. The policies would not restrict this from occurring, but do provide for landscape values to be considered in assessment and to be afforded a level of protection accordingly. Matters of discretion are also included in relation to the Flat Land Recovery Zone.</p> <p>Activities which have the potential to significantly impact on the values of ONL/Fs and SF/Ls, are provided for at a higher level of consent. This is for instance the case for quarrying in the West Melton/Okakeka Dry Plain (SF), and for quarrying in the Port Hills.</p> <p>Access tracks are provided for as permitted activities provided they are below a certain width (across the Banks Peninsula and city features and landscapes). However, for ONFs in Banks Peninsula these are subject to resource consent (restricted discretionary, non-notified). This includes for Kaitorete Spit and Te Waihora/Lake Ellesmere.</p> <p>The matters of discretion clearly set out the relevant matters for landscapes and natural character in the coastal environment. These include support for complementary conservation, farming and recreation activities that are complementary.</p> <p>In terms of non-regulatory of other methods, the Council currently provides free advice for landowners and applicants in relation to resource consents. At the time of writing this, the free advice includes the first half hour of planning advice at no charge. The landscape planning advice is free of charge. This assists applicants to better understand the related resource consent requirements and encourage better outcomes.</p> <p>The Banks Peninsula Rural Development Guidelines 2010 are available on the Council's website and in Council service centres and provides guidance for applicants and/or landowners on development considerations in ONLs, CNCs, and the Rural Amenity</p>
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	<p>Landscape (RAL) (proposed Significant Landscape on Banks Peninsula). The guidelines are included within the matters of discretion.</p> <p>The Council's Biodiversity and Public Open Space Strategies provide strategic policy advice and guidance for the protection and enhancement of the district's 'high quality' landscapes. These Council adopted Strategies provide high level policy direction on the outcomes which are sought for landscapes across the district. They also seek the protection and enhancement through land purchase – either by Council or other parties, and there have been land purchases in recent years aligning with aims of these Strategies.</p> <p>The Summit Road Protection Act provides protection of the scenic and natural amenities and views from the Port Hills Summit Road. As a method it would not be effective to rely on this legislation only, as it is geographically constrained and does not recognise the landscape qualities as identified in the landscape studies.</p> <p>Where land is in public ownership the regulatory provisions will work in tandem with Council strategies and management plans for recreation areas and facilities in this area.</p> <p>The policy 9.2.2.10 sets the framework for future identification and management of cultural landscapes.</p> <p>The Avon River is identified as a significant feature in the Christchurch Landscape Study. To enable management in the different parts of the City the river has been divided into three parts - upstream of Central City (SF8.1), Central City (SL8.2) and East (SF8.3). Where possible, reliance has been placed on the general city building setback rules and the open space and margins zone provisions trigger assessment of effects on the landscape qualities of the river.</p> <p>3. Benefits</p> <p>ONL/Fs SL/Fs and CNCs are highly valued by Ngāi Tahu, the community and visitors.</p> <p>Incorporating a detailed description of the landscape qualities will have benefits in terms of the qualities being more visible, improving community awareness of their importance, and for plan administration.</p> <p>The resource consent process provides opportunity to assess the context and values of historic and cultural significance and the relationship, culture and traditions of Ngāi Tahu.</p> <p>Tourism is an important industry within the city and on Banks</p>
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	<p>Peninsula with eco-tourism and, for example, the Banks Peninsula walking track providing opportunities for people to experience the district's outstanding natural environment. The provisions are suitably enabling to continue to experience and enjoy the environment and provide for recreation and conservation activities.</p> <p>These areas are also used for recreation activities. The policies seek to ensure that associated facilities are compatible with landscape qualities.</p> <p>A high number of activity statuses across the landscapes and features are set at restricted discretionary (non-notified). Whilst consent is required, the non-notification will assist to an extent in reducing consent costs.</p> <p>The rules target activities, particularly buildings, that have the potential to damage, diminish or compromise landscape qualities and natural character in the coastal environment.</p> <p>Well integrated development may be appropriate in some coastal locations. Through the resource consent process the capacity of the landscape to absorb change and techniques such as clustering may be used to protect areas more sensitive to change.</p> <p>Where land is in public ownership the regulatory provisions will work in tandem with Council strategies and management plans for instance for recreation areas and facilities. On public land, Council bylaws provide an effective method to manage people, nuisance and access.</p> <p>4. Costs</p> <p>There are opportunity costs associated with development opportunities that are foregone when more restricted policies are applied to subdivision, use and development of land. For example, limited provision for larger buildings may limit opportunities for diversification of land uses. There are also direct resource consent and compliance costs. These costs are analysed in detail in Appendix 10.</p> <p>Without regulation, accessibility and human modification have the potential to damage or destroy sensitive qualities, including culturally significant sites.</p> <p>The reflectivity built form standard (for Banks Peninsula and the Port Hills) may limited range of materials/finishes and result in higher building costs.</p>
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	<p>Generally activities requiring resource consent approval under the operative CCP and BPDP will continue to require approval under the pRDP. Rules requiring resource consent approval create compliance costs, however, this is considered necessary in the context of protecting ONLs from inappropriate subdivision use and development, maintaining and enhancing significant landscapes and preserving natural character in the coastal environment.</p> <p>Landscapes and the coastal environment are dynamic and the unique combination of attributes may change overtime. This will require monitoring and future studies to be carried out by the council to ensure that the areas on the ground match their classification in the District Plan.</p>
<p><b>Options less or not as appropriate to achieve the Objectives and policies:</b></p>	
<p>Option 2 Maintain the status quo</p>	<p><b>Appropriateness</b></p> <p>The City Plan and BPDP are required to be updated to reflect amendments to the NZCPS, the CRPS and the LURP. While there has been a comprehensive study of Banks Peninsula in 2007, reflected in the BPDP, a similar study has only recently been undertaken for the city as part of the DPR. The areas identified for protection and management need to be updated to reflect the landscape studies recently undertaken. Not undertaking this assessment and mapping would mean outdated landscape and natural character in the coastal environment identification.</p> <p>The assessment of landscape and natural character in the coastal environment requires a consistent methodology across the district to be effective and for the foregoing reasons option 2 is not considered appropriate.</p>

<p>Option 3 Reliance predominantly on Non-Regulatory Methods.</p>	<p>Reliance predominantly on non-regulatory methods would not give effect to the Council's statutory responsibilities under the RMA, higher level policy direction, in particular the NZCPS 2010 and the CRPS.</p> <p>For ONFLs and SFLs, there is a need for a level of regulatory control to inform and determine appropriateness of activities undertaken, and to protect the values that make particular place important. This includes values of significance to Ngāi Tahu.</p> <p>As discussed in Option 1 above, the Council currently provides guidance and some free advice for landowners. Landscape guidelines are also available for Banks Peninsula. The Market Economics report (Appendix 10) identifies that such technical advice is: <i>"important for social learning and for increasing heritage appreciation of landowners, both of which in theory should result in positive heritage outcomes for the district."</i> (Market Economics report, page 50).</p> <p>A very permissive approach has the potential to result in activities that damage, diminish or compromise landscape qualities and the natural character of the coastal environment.</p> <p>While non-regulatory methods can assist in achieving the outcome they are not an effective method on their own and for the foregoing reasons option 3 is not considered appropriate.</p>
<p>Risk of Acting or Not Acting</p>	
<p>The degree of uncertainty around the identification and qualities of landscapes and natural character in the coastal environment is low due to the extensive landscape studies commissioned by the council</p> <p>The risk of not acting is that the Council fails to reflect the statutory direction provided in the RMA and higher level policy documents including NZCPS 2010 and the CRPS to protect ONL and ONF and preserve natural character in the coastal environment. Given this statutory direction the risk of not acting outweighs the risk of acting.</p> <p>In addition, by not acting there is the risk of inappropriate development occurring in an uncoordinated manner that damages or destroys landscape qualities and natural character and the District Plan fails to meet the needs of the community.</p> <p>Promoting opportunities to restore natural character in the coastal environment will over time enhance this important resource.</p>	

#### 4.4 Evaluation of Proposed Provisions – Historic Heritage

Before undertaking the evaluation the following sets out the main options considered and an explanation of what each option entails.

### Option 1 (*Proposed Approach*) - Use of Regulatory and Non-regulatory methods

Option 1 includes identification and management of significant historic heritage through a policy framework, rules and associated set of matters of control and matters of discretion. This option would be supported with a non-regulatory package available to owners of listed heritage places. This option involves identification of Silent File areas in the planning maps and listed in a Schedule in the Appendices. The areas contain sites of Ngāi Tahu cultural significance. Provisions are provided to manage activities within these areas. A policy framework is proposed for the future identification of historic heritage – including sites of Ngāi Tahu Cultural significance, heritage areas, and cultural landscapes. A future programme is also sought for adding new heritage listings to the Plan.

In addition to identification through the use of schedules and planning maps, for significant historic heritage places which comprise heritage items and settings, an aerial map, for each heritage place is contained in the chapter appendices delineating the extent of item and the setting.

Under Option 1 archaeological sites are not identified in a Schedule to the Chapter. A policy direction concerning archaeological sites is proposed (to support Heritage New Zealand), with the management under other provisions (such as part of land use and subdivision consents), and as one of the considerations when assessing proposals for works to heritage items and settings, under given archaeological values component. This option works on the basis of a reliance on Heritage New Zealand to manage archaeological sites. A future programme proposes identification and listing of post 1900 archaeological sites.

Under Option 1, for places listed in the Schedule of Significant Historic Places (for Heritage Items and Settings) the schedule is structured on a two group classification, with Group 1 being those places of High Significance, and Group 2 those places which are significant to the district. Under this option a level of works to heritage items and settings is provided as permitted (subject to standards). Where works are more likely to have adverse impacts, and need to be managed, and in particular are irreversible, then consents are required. However, they are targeted, wherever practicable at the lowest level of consenting, or where the effects are potentially so significant then a higher activity status is necessary.

The options are supported by non-regulatory methods. The Council has a range of non-regulatory tools in current and proposed use, including the use of Heritage Incentives grants for heritage conservation works, and a range of free advice and assistance. Further detail is provided in Appendix 5.2 and in the evaluation section below.

### Options 2a and 2b - Variation of Proposed Option 1 relating to how the heritage items and heritage settings are classified and managed (e.g. 1 Group only, or 3 or 4 Groups)

This option is similar to Option 1 in terms of the overall approach of the use of regulatory and non-regulatory methods. However, for the schedule of heritage items and settings the provisions would be based on an ungrouped Schedule (i.e. no categorisation to Group 1 or 2) under Option 2a, or on a Schedule categorised into 3 or 4 groups.

### Option 3 - As for Option 1 or 2 but with more stringent regulatory controls applied (this relates to heritage items and settings).

Under this option a resource consent would be required for all, or almost all work to a significant historic heritage places which are heritage items and setting, e.g. for repairs and maintenance. Such activities would be permitted (with standards) under option 1.



Option 4 – Reliance predominantly on Non-Regulatory Methods

Adopt a very permissive approach to activities with minimal regulation and a near complete reliance on the use of non-regulatory methods, advice and assistance, such as grants.

Option 5 - Status Quo

This options means retaining the existing provisions in City Plan and the BDPD. It includes continuing to identify and manage those places within the district which already have a heritage overlay.

PROVISIONS (POLICY, RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES	
<p>Relevant objectives:                      9.3.1 Objective – Historic Heritage                      Historic heritage is maintained recognising the important contribution it makes to the district’s distinctive character and identity, and the role in recovery.</p>	
Provision(s) most appropriate	Effectiveness and Efficiency
<p>Option 1 Proposed Approach</p> <p>9.3.2.1 Policy - Protection of sites of Ngāi Tahu cultural significance                      9.3.2.2 Policy – Protection of significant historic heritage - heritage items and heritage settings                      9.3.2.3 - Protection of significant historic heritage - heritage items and heritage settings - assessment and identification                      9.3.2.4 Policy – Protection of significant historic heritage - heritage areas - future assessment and identification                      9.3.2.5 Policy – Archaeological sites                      9.3.2.6 Policy - Heritage conservation management and heritage principles - heritage items and settings                      9.3.2.7 - Ongoing, viable use of heritage items and settings                      9.3.2.8 Policy – Relocation of heritage items within and beyond settings                      9.3.2.9 Policy - Demolition of heritage items                      9.3.2.10 Policy - Awareness and Education of historic heritage</p>	<p>1.Effectiveness</p> <p>Option 1 is considered to be the most effective in achieving the objective of maintaining historic heritage. The following effectiveness evaluation below is grouped under a number of sub headings comprising:</p> <ul style="list-style-type: none"> <li>a. Overall approach - introduction to identification and management of scheduled /listed historic heritage, and future work to recognise and manage other historic heritage.</li> <li>b. Heritage items and settings - 'significance' threshold and inclusion in the Schedule, two group classification, settings, and statements of significance.</li> <li>c. Policy framework and rules for heritage items and settings - overall approach</li> <li>d. Policy framework and rules for heritage items and settings - detailed provisions</li> <li>e. Silent File Areas</li> <li>f. Schedules and Planning Maps - Identification of Historic Heritage Places, Silent Files.</li> <li>g. Policy direction - future work for other historic heritage, and non-regulatory methods</li> </ul> <p>a. Overall approach                      The provisions provide a policy framework and rules for the identification and management of historic heritage, through the</p>

<p>9.3.2.11 Policy - Incentives and assistance for historic heritage</p> <p>Rules 9.3.3.9 - Permitted Activities</p> <p>Rules 9.3.3.11 – Controlled Activities</p> <p>Rules 9.3.3.12 – Restricted Discretionary Activities</p> <p>9.3.3.13 Non-notification</p> <p>9.3.3.14 Restricted Discretionary Activities - Silent File Areas</p> <p>9.3.3.15 Non-notification</p> <p>9.3.3.16 - Discretionary Activities</p> <p>9.3.3.17 Non-Complying Activities</p> <p>9.3.4 Matters of Control – Upgrade Works</p> <p>9.3.5 Matters of Discretion</p> <p>Relevant key definitions:</p> <p>Alteration of a heritage item</p> <p>Alternation of a heritage setting</p> <p>Demolition</p> <p>Heritage fabric</p> <p>Historic heritage</p> <p>Heritage investigative and temporary works</p> <p>Heritage item</p> <p>Heritage setting</p> <p>Heritage values</p> <p>Heritage</p> <p>upgrade works</p> <p>Historic heritage place</p> <p>Maintenance</p> <p>Reconstruction</p> <p>Relocation of a heritage item</p> <p>Repairs</p> <p>Restoration</p> <p>Site of Ngāi Tahu cultural significance</p> <p>Silent File Area</p> <p>Chapter 9 Appendices - Schedules</p> <p>1. Significant Historic Heritage Places</p> <p>2. Silent File Areas</p>	<p>recovery period, by identifying which historic heritage is to be maintained, and how it is to be managed. They are effective in identifying the resource to be managed through inclusion of the places in the Chapter 9 Schedules and through notation on the Planning Maps, and for heritage items and settings through inclusion of aerial maps in Chapter 9 Appendices.</p> <p>The relevant Schedules are the Schedule of Historic Heritage Places (comprising heritage Items and Settings) and Silent Files Areas. Further evaluation of these provisions is contained in the later sections of this evaluation, including why these places are significant and how they are to be managed.</p> <p>The provisions provide policy direction for future work to recognise, and protect and other areas and places of historic heritage, including: providing for sites of Ngāi Tahu cultural significance, including culturally significant landscapes, wāhi tapu and wāhi taonga; and heritage areas. Policy 9.3.2.2 for heritage items and settings, and the policy for heritage areas, provides the framework for adding further heritage items and settings to the Schedule of Significant Historic Heritage Places. There is an overlap in recognising and providing for historic heritage, with other topics in this chapter, in particular reference should be made to the evaluation section above concerning other significant landscapes (under which historic heritage and historic cultural landscapes are discussed).</p> <p>Policies are proposed for awareness, education, incentives and assistance (Policies 9.3.2.10 and 9.3.2.11). Enhancing awareness and understanding , for instance through interpretation initiatives is a way to assist in recognising and retaining the memory of the loss of heritage places and their values, for both current and future generations. Policy 9.3.2.10 also promotes the use of conservation plans.</p> <p>Working with owners and the public to promote heritage retention and best practice conservation supported by financial incentives has proven to be an effective approach to heritage protection, particularly in the period following the Canterbury earthquakes. Grants, advice to applicants and heritage week and preparation of conservation plans are key elements of Council non-regulatory tools for heritage protection.</p> <p><u>b. Heritage items and settings - 'significance' threshold and inclusion in the Schedule, two group classification, settings, and statements of significance.</u></p> <p>All items within the Schedule of Significant Historic Places have met a significance threshold for inclusion in the Schedule. These historic heritage places (which are heritage items and settings) are listed in Appendix 9.3.6.1 to Chapter 9. Their inclusion in the Schedule means these places can be afforded regulatory protection through the pRDP.</p>
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<p>3. Heritage Items and Settings – Aerial Maps notating extent of Item and Setting.</p> <p>Planning Maps – notation of location of Scheduled Historic Heritage Places and Silent File Areas</p>	<p>The Technical Report – Heritage at Appendix 4 details the heritage assessment methodology used to determine whether a place is 'significant' to the district and, in addition, whether it is of high significance. The diagram at Section 4 of that report shows the steps undertaken in that assessment process. Some places are more highly valued by the community (and this can be for a range of reasons), such as for their role in the historic development of the district or being a prominent physical landmark. The significance level is also connected to a heritage item's 'authenticity and integrity, or iconic status for instance. It finds that overall some places make more of a contribution to city identity.</p> <p>The Technical Report details the number of new historic heritage listings and items proposed, and those proposed to be removed from the Schedule (for Christchurch and Banks Peninsula). Further listings can be added in the future, as part of ongoing programme of identification, through a thematic framework (Refer Section 5 'Adding to the Heritage Places Schedule' of the Technical report for more detail on this approach).</p> <p>The Schedule of Significant Historic Heritages (The Schedule) is structured on a two group classification with those of places of High Significance falling in Group 1, and those which are Significant in Group 2. Although, it should be recognised that all places on the Schedule are significant and need to be appropriately managed so that the heritage resources of the district can be maintained. However, the classification of Group 1 and 2 does explicitly recognise that some items are of higher importance to the district.</p> <p>The planning provisions recognise and reflect this two tier classification approach primarily through the policies and through some of the matters of control and matters of discretion. They are structured on the basis that it is important to maintain the heritage values of all significance places, but for some there are certain works that will, accordingly, need a higher level of regulatory intervention (Group 1) to manage them, given they are highly significant to the district. The tiered approach is complementary to a 'recovery context' and enables prioritisation of the heritage resource, such as for non-regulatory methods.</p> <p>The use of different activity status for the two groups has been considered. In the case of heritage upgrade works consideration was given to the use of restricted discretionary status for Group 1 heritage items, and controlled for Group 2. However, the use of controlled for both groups was considered the most appropriate and effective with respect to the nature of the works, likely effects to be managed and the recovery context. It was considered that for both groups this works should be enabled (as it is expected to occur) but needed to be managed through a resource consent process. Similarly for demolition, given the resultant impacts (i.e. Loss of entire buildings or substantial parts thereof) a non-complying status was</p>
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	<p>considered appropriate for all heritage items, and it would be less appropriate to tier the level of regulatory intervention to group 1 - non-complying and group 2 - discretionary. Whether a place is in Group 1 or 2 can be considered, however, in the consideration of resource consents through the matters of discretion. A different activity status, is however, recognised for heritage investigative works and temporary works between Group 1 and Group 2.</p> <p>The recognition of settings for most heritage items is beyond the few settings directly protected in the City Plan. It offers more explicit and effective protection of contextual values of heritage items and their surroundings. This is important with respect to the definition of historic heritage in the RMA which includes surroundings and areas. The assessments of significance for each heritage item has taken into account the values of the surroundings of places (their settings) and the management of this is implemented through certain activities in settings requiring consents (discussed in the subsequent section) and with the settings defined in the aerial maps.</p> <p>The City Plan identifies 22 settings as part of listed heritage items (otherwise referred to as protected buildings, places and objects). Settings are not identified in the BPDP. The City Plan defines these settings to cover landscape features which contribute to the heritage value of the item. There are no specific rules for 'settings', although new buildings and subdivision on the site of heritage items are controlled. In effect the surroundings associated with other Heritage items are also protected but in a method which is only specified at a generic level (i.e. the site). This does not take account of some places having smaller or larger settings.</p> <p>Appendix 8 of the Section 32 includes a set of 'Statements of Significance' for the significant historic heritage places which are heritage items and settings. These are for Banks Peninsula, Christchurch, and the Central City. The range of values which make these places are significant were considered in these assessments, for example, historical and social value, and cultural and spiritual values, as well as providing justification for reaching the threshold for listing. These Statements are a tool for assisting in the assessment of development proposals, including resource consents and plan changes, and moreover, to support non-regulatory methods, such as education and advice and for use in consideration of grants. As for the other topic areas in this Chapter, the Statements are not proposed to be included directly in the Plan (or included by reference). The matters of discretion provide for consideration of the significance of a place and its values, and therefore, the Statements can inform the assessment of development proposals (without direction inclusion in the Plan). These Statements may also need to be adapted over time as new information is known, or as the place changes. Inclusion outside of the plans means they can be updated without necessitating a plan change.</p>
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	<p>The proposed listing for the building known as Former Beaths/Arthur Barnetts at Colombo Street is listed only in respect of the following features and not in regard to any other part of the building:</p> <ul style="list-style-type: none"> <li>(a) The Cashel Street facade of the building above the veranda level (including the parapet, the multi paned windows above the veranda level).</li> <li>(b) The Colombo Street facade of the building above the veranda level (including the parapet, the multi paned windows above the veranda level) and the 1933 building façade return on the south end.</li> <li>(c) The existing (1933) street veranda on Cashel and Colombo Streets including the diagonal metal supports, decorative copper fascias, metal soffit linings and decorative 'flower' bosses.</li> <li>(d) The "Starmart" Colombo Street shop front being the bronzed metal sections, diagonally intersected fan light, the decorative metal panels and metal framed exterior light.</li> <li>(e) The 2 metal display cases on the granite faced columns.</li> </ul> <p>This is the same as the provisions of the Operative Plan.          Note that this differs to the supporting Statement of Significance which details why this place is significant, and what is recommended to be listed which is the entire building. The reassessment of this place in the Statement of Significance is based on an updated methodology (as set out in the heritage technical report) for assessing significance. The assessment identified an increase in the extent of the listing. However, the resolutions of the District Plan Review Subcommittee 6.5.2015 are outlined as follows:</p> <p>District Plan Review Subcommittee Resolutions 6.5.2015:  <i>Amend the listing for 146 Cashel Street and 690 Colombo Street (the former Beath's Department Store) to include only those elements of the external façade detailed in the operative District Plan;          That the heritage grouping of the Former Beath's Department Store at 690 Colombo Street be amended, from High Significance - Group 1 to Significant - Group 2, to reflect the heritage significance of the limited listing (ie parts of the façade). And that aerial heritage map no. 687 be amended to show only the Cashel and Colombo Street facades and verandah as the listed heritage item, and to remove the identified setting (setting ID 590). And that the Schedule (Appendix 13.12.5.3) be amended to change the description to Former Beaths Department Store - Cashel and Colombo Street facades and remove setting from the description and remove the heritage setting number.</i></p> <p>See Schedule of Significant Historic Heritage Places - Appendix 9.3.6.1 and Aerial Map no. 687.</p> <p><u>c. Policy framework and rules for heritage items and settings - overall approach</u>          The policy framework and rules take direction from and give effect to higher order documents and Plans, including the provisions of the</p>
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	<p>CRPS (Chapter 13) and the Order in Council Statement of Expectations and LURP (in particular concerning reducing consenting requirements), and most recently the decision on Strategic Directions decision). Option 1 seeks to reduce requirements for resource consents wherever possible.</p> <p>The emphasis of the provisions is on enabling ongoing adaptive use of heritage places and maintaining values. This takes direction from a recovery focus of the Strategic Direction objectives, and is considered an effective policy framework when coupled with conservation management and heritage principles to guide and assess development proposals. This will contribute to maintaining the values of heritage places and facilitating their ongoing use. Policy 9.3.2.7 recognises the recovery context directly, with reference to the Canterbury earthquakes of 2010 and 2011.</p> <p>The CRPS requires identification and management of significant historic heritage, although there is flexibility with respect to the methods of implementation. Therefore, there is scope to apply methods (rules) and non-regulatory methods in the way which is effective to protect this resource. For historic heritage an option which combines the use of regulatory methods and non-regulatory methods is an effective approach. Further discussion on the accompanying non-regulatory methods is provided below.</p> <p>The provisions have also been considered together with the provisions introduced through the CCRP for the Central City. With respect to consenting levels there will be some overall increases and decreases in resource consent requirements. The provisions are drafted to align with the Statement of Expectations, reducing consenting and notification requirements wherever possible. As a package the provisions support the Recovery Strategy and the CCRP to recognise the values of historic heritage and how this is managed in the post-earthquake context.</p> <p><u>d. Policy framework and rules for heritage items and settings - detailed provisions</u></p> <p>The provisions are directive about the types of work anticipated, and how they are to be carried out. A directive and enabling set of provisions tailored to the nature of works their potential impacts or risks (and positive effects - such as enabling ongoing use), and within the context of a recovery environment is important to maintaining historic heritage. This is especially so over the recovery period with recognition of the impact of the earthquakes on the heritage resource (both in terms of overall loss, but also damage which has resulted to individual places) but also for the role which heritage has in the recovery of the district.</p> <p>The provisions provide the framework for what activities are anticipated to occur, or to be restricted or avoided. This assists in guiding preparing and assessment of consents so that heritage values</p>
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	<p>can be maintained (on a case by case basis), and cumulatively across the district, and can be undertaken in the context of earthquake recovery.</p> <p>The package of policies, rules and definitions relating to the range of works which are undertaken to heritage items, or in the surroundings of heritage places (their settings), will aid in the preparation of resource consents and assessment. It includes for some works to be undertaken as permitted works, whereas resource consents are required for works which have the most potential to modify heritage fabric and values, especially works which are irreversible and where an assessment is necessary by experts (including heritage experts) to ascertain appropriateness, and any conditions to be applied.</p> <p>Permitted activities - including repairs and maintenance heritage items</p> <p>Permitted works proposed are those which can occur with no or minimal impact to heritage values (including repairs and maintenance) subject to standards. This allows for routine work to occur without incurring consent costs. Such works do need to be supported by education and advice wherever possible, such as through guidelines and expert advice and are supported by standards. The application of permitted (with standards) has been considered in the context of the costs of preparing and assessing resource consents, which with reference to Appendix 5.2, the average cost of a non-notified resource consent for a heritage property in the period from 2013-2014 was \$1866.</p> <p>The proposed definitions provide certainty for plan users regarding what is a permitted activity, for example repairs and maintenance compared with alterations, and therefore, whether resource consent is required.</p> <p>The proposed removal of resource consent requirement for repairs in the city (outside Central City) aligns with the Permitted status for repairs in the Central City and Banks Peninsula in the operative plans, and supports owners to retain heritage items.</p> <p>Other activities proposed as permitted (subject to standards) include some temporary activities, and outdoor advertising, and much of the work undertaken in heritage settings.</p> <p>Heritage upgrade works, reconstruction, and heritage investigative works and temporary works</p> <p>A controlled activity status is proposed for heritage upgrade works for Group 1 and Group 2 items. Reconstruction works (for Group 1 and Group 2) are also proposed to have a controlled activity status. For Group 1 heritage investigative works and temporary works this would be a controlled activity (although permitted with standards for group 2)</p>
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	<p>A controlled activity status means a development proposal cannot be refused. Conditions can be attached to the consent. The consent process provides an opportunity for Council (including heritage experts) to guide the approach. It could help to achieve an outcome which enables owners to continue to use and adaptively reuse their buildings and which minimises impact on heritage fabric and values, through for instance consideration of alternative (and potentially more effective and efficient) options.</p> <p>With conditions being able to be attached to the consent, this means for instance that methodologies could be required which require the process of undertaking the works to be set out and approved. This could assist with achieving the least possible impact on heritage fabric (and is an important level of detail in the process of altering heritage fabric). An example is that detail could be provided to specify whether the works will be undertaken with the erection of scaffolding. Awareness and approval of a related condition is important as if undertaken inappropriately this has the potential to directly impact heritage fabric.</p> <p>For heritage upgrade works, consideration was given to whether works could be carried out without consent, as permitted activities subject to a sign off/certification process. However, given the nature of the works - including the potential adverse effects which need to be managed to an extent, and the range in type of works across the different heritage items, this was not readily achieved.</p> <p>Since the introduction of the CCRP in 2012, seismic, fire and access building code upgrades in the Central City have not required resource consent where the work relates to areas undergoing earthquake repairs, nor has earthquake-related reconstruction. The CCRP introduced a controlled activity consent requirement for building code upgrade works for Group 1 and 2 heritage items which are not associated with earthquake repairs, affecting the 92 remaining Group 1 and 2 listed heritage items in the Central City. The Group 3 and 4 listed items (83 items in total) do not currently require resource consent for any building code upgrades. There are 184 heritage items proposed to be listed in the Central City and a proportion of these will require building code upgrades, although a number have already completed upgrades as part of earthquake repairs. Overall, the increase in consents is likely to affect a small number of landowners. Further detail on the proportion of rating units containing heritage items is set out in the Appendix 5.1 to Chapter 9, Section 32, including for the central city area. The average cost of a heritage resource consent is approximately \$2000 which is similar to other resource consents.</p> <p>The experience of Council heritage specialists in the post-earthquake context has shown there is a high potential for significant effects on heritage fabric and values as there are often a number of different options for achieving code compliance including options which require removal of heritage fabric and significant changes. In many</p>
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	<p>cases there are less intrusive alternative solutions which still achieve building code compliance.</p> <p>Note that the Council seeks to partly offset this regulatory requirement by non-regulatory support in the form of incentive grants and specialist advice. The Heritage Incentive Grants are \$763,000 annually and fund up to 50% of the costs of the heritage component of a building project including building code upgrade and resource consent costs. In addition, the Central City Landmark Heritage grant is a fund dedicated to retention of Central City heritage and has \$1.7 million to allocate for the period July 2015-June 2016. Further detail is provided on available grants in Appendix 5.2 .</p> <p><b>Alterations to heritage items</b>          Most other alterations, such as additions, external modifications, or internal alterations are proposed as restricted discretionary (this is distinct from heritage upgrade work). The policies and matters of discretion recognise that alterations are anticipated to occur, to support ongoing, viable use of heritage items, together with a set of conservation principles to guide the works.</p> <p>The matters of discretion will assist in the preparation of consents and assessment of applications. This enables detailed, case by case, consideration of the appropriateness of the nature of the works to the heritage place. It is proposed at restricted discretionary (non-notified) as it is appropriate that there is an ability to decline these applications in recognition that alterations could be substantial in nature and scale<sup>24</sup>. If carried out inappropriately alterations have the potential to damage heritage fabric, have irreversible impact and result in having significance adverse impacts on heritage values. The activity status has been informed by recommendations in the technical report relating to the nature and scale of alterations and whether they need to be controlled.</p> <p>The 'alteration' definition includes restoration, however reconstruction is separately defined. While these activities are provided for and can have positive outcomes, they could also impact on heritage values if there is not sufficient evidence of the elements proposed to be reinstated or where the materials and forms proposed are not comparable with heritage fabric.</p> <p>The BDPD provides for internal alterations as a permitted activity. Advice in the Technical Report - Heritage finds that this does not recognise that the interior of most heritage items is equally significant as the exterior. The advice (as for a number of other recommendations in the report) draws on the ICOMOS New Zealand Charter (2010) Article 13, and comments on the importance of interior detailing, fixtures and fittings. Refer to the report for further discussion.</p>
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<sup>24</sup> The associated definition of 'alterations' includes include additions to heritage items.

	<p><b>Relocation of heritage items</b>  The proposed policy direction and rules for relocation beyond the setting are in recognition of the very significant impact on heritage values that can result. This activity has the potential to result in a significant loss of values, especially contextual values and is proposed as a fully discretionary activity status. The activity status is informed by the potential to be a wide ranging number of reasons for why relocating a building off-site is proposed and which cannot readily be tied down into a set of matters of discretion, and a restricted discretionary activity status.</p> <p>A non-complying activity status is considered less appropriate as there may be instances (such as in connection with a wider development proposal) where a new site, compatible with the heritage values could support the ongoing use of the heritage item could maintain significance to a high degree. It may also be the only remaining option other than demolition.</p> <p>Relocation of an item within its settings has potential for less adverse effects than when it is relocated beyond the setting, as most notably the direct connection between heritage item and heritage context is maintained (refer Section 9 Technical Report - Heritage). A restricted discretionary status is proposed for this activity in contrast to discretionary status, given the matters of discretion can be more readily prescribed than for relocation beyond the setting.</p> <p>Temporary relocation is specifically provided for as a controlled activity where it relates to providing for upgrade works for ground, foundation, and retaining wall remediation.</p> <p><b>Demolition of heritage items</b>  Demolition is not anticipated for Group 1 or Group 2 items. The associated definition and the proposed activity status recognise the very high potential for significant adverse effects arising from demolition of heritage items (including complete or substantial loss) and on the district's heritage resource at an overall.</p> <p>The Technical Report - Heritage at Appendix 4, Section 9, recommends demolition should be a last resort and only considered when all other alternatives have been identified and evaluated. It refers to the impact of the earthquakes resulting in proposals to demolish items and discusses the appropriateness (or otherwise) of partly retaining items and buildings, e.g. retention of facades.</p> <p>A discretionary status has been considered for demolition. There may be instances where demolition is the only last remaining option, following exploring all other options. However, it is important that this is determined through the highest activity status test in recognition of the significance of the resource being protected. A non-complying status is considered to be more appropriate for a range of reasons, particularly: demolition is not an anticipated</p>
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	<p>heritage conservation outcome, (it is a last resort); the places identified on the associated schedule have been identified through an assessment process as all being significant to the district; these places fall within the definition of historic heritage in the RMA, which is a section 6 matter of national importance; there is strong regulatory direction in the CRPS to protect them (albeit not explicit direction on the type of methods of activity status); and the role of heritage in the social, cultural economic and well-being and recovery of the district as discussed earlier in the report.</p> <p>It should be noted that with respect to the definitions of demolition and alterations, there is scope for small scale, insignificant level of demolition to occur as an 'alteration' (as restricted discretionary status) as opposed to being treated as a demolition.</p> <p><b>Heritage settings</b>  The proposed protection of settings recognises the contribution of the contextual values of the heritage item to its significance. This is important as not recognising and managing development in settings has the potential to have significant adverse effects on the heritage values of the setting and the item.</p> <p>The proposed approach for settings will assist in responding to issues arising with the City Plan, whereby whole sites of large complexes are currently caught by the Plan rules for new buildings on the site of heritage places. Examples are St Andrews School, Rangi Ruru, and Medbury Schools. It can also assist with issues which have arisen with a lack of clarity of the actual extent of settings (i.e. the method of identification) has resulted in an appeal to the Environment Court in the case of Parkdale, 16 Heaton Street.</p> <p>Under the proposed option a number of the settings do not extend to the full extent of the property cadastral boundary. This means a reduction in consent application requirements compared to an automatic linking of setting to property boundary. It is only the area covered by the item or setting which is subject to control. This is an appropriate and effective approach as there is a more direct linkage in the regulatory requirements to the heritage values of the place. This is noting, in particular that the extent of each setting has been informed by an expert assessment, and provided for in the corresponding Statement of Significance. (Refer Technical Report - Heritage, Section 7.1.2 – Heritage for further detail on how settings have been determined).</p> <p>For settings, the level of regulatory control is set at the activities which have the most potential to impact on heritage values. It also draws on the extent of technical/expert evaluation of significance of the setting (as discussed further below). Moreover, that it would be not be appropriate to apply further controls, where they are not necessary or relevant to maintain heritage values and in the context</p>
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	<p>of recovery, including the costs of preparation and assessment of resource consents.</p> <p>The Technical Report describes the assessment undertaken with respect to the extent of heritage settings per place. They have been mapped to include mature trees and plantings, fences, gates, paths, waterways, and other landscape features, where these contribute to the heritage values<sup>25</sup>. However, it should be noted that the assessments of settings has not gone into the level of detail which specifically documents the significance of these detailed aspects and features to the extent that they are represented directly within the Schedule at Appendix 9.3.6.1. Therefore, there is insufficient information to propose specific controls, for instance on the removal of trees in settings, or to changes in landscaping, except where this is part of a wider development proposal for which resource consent is required.</p> <p>Notwithstanding, the surroundings of a number of places, or gardens for instance in their own right are proposed as listed as heritage items. This means they have the level of protection afforded to heritage items for instance and is commensurate with the values of those surroundings.</p> <p>Rules for settings are proposed for subdivision (although this is managed specifically through the subdivision chapter), new buildings, and signage (which is beyond that permitted). Some settings are mapped to extend beyond property boundaries, for instance into road reserve. Further detail on why this is the case, is provided for in the Technical Report and in the individual Statements of Significance. However, with respect to the level of regulatory intervention maintenance work within the road reserve will not require resource consent.</p> <p>Additional buildings and outdoor advertising are currently controlled on the sites of heritage items, as they have potential for adverse effects on heritage fabric and values. Additional buildings on the site of heritage buildings comprise approximately 15% of resource consents for heritage properties – an average of eight applications per year required resource consent between 2004- 2014 (refer Appendix 5.2) Signs in heritage items to date have made up a small proportion (approximately 5%) of resource consent applications for heritage properties .</p>
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<sup>25</sup> Refer Technical Report - Heritage, Appendix 4 - Section 7.1.2.

	<p>It is not proposed not to introduce a rule (similar to the rule in the Central City, introduced through the CCRP in 2012) to control development adjoining a heritage site within 30 metres of a heritage item on an adjoining site. Whilst there is a risk that there could be poorly designed development adjacent to an item, there has not been the level of setting/surrounding analysis in the Technical Report (beyond more immediate surroundings) to justify extending the area protected. In addition, the level of re-building will be generally less than in the Central City. Mainly, however, it is not appropriate in the context of earthquake recovery, to impose consenting costs to landowners adjacent to heritage items.</p> <p>Enabling other activities to occur in the area surrounding heritage items, such as temporary events through marquees being enabled on site, provides for other activities. The associated standards for these permitted activities ensure that the heritage values are protected.</p> <p>Section 27 of the Canterbury Earthquake Recovery Act 2011 (CER Act)</p> <p>It is proposed to remove the clause in the General Rules inserted by section 27 of the Canterbury Earthquake Recovery Act 2011 (CER Act) which enables works approved under the CER Act to be exempt from the need to obtain resource consent. The majority of make safe, partial demolition and demolition works to heritage buildings were approved initially by the Civil Defence authority and subsequently under this provision. The immediate recovery period during which the Canterbury Earthquake Recovery Authority (CERA) needed to expedite decisions on dangerous buildings has past. These decisions can be satisfactorily taken through the usual RMA resource consent process.</p> <p>Exemptions</p> <p>A number of exemptions from zone rules (referred as 'positive regulatory methods) in Appendix 10, are proposed to increase the range of possible uses of heritage items to support heritage protection. This will assist for example in the policy direction to support ongoing, adaptive use of heritage places. Special provision is made for heritage items in open space zones (refer Chapter 18 - Open Space).</p> <p>Notable heritage items in Operative BPDP</p> <p>Existing notable heritage items in the Town Centre and Residential Conservation zones in the operative BPDP, are currently subject to heritage objectives and policies, but the zone rather than the heritage rules. These are proposed to be covered by the heritage rules of the Replacement District Plan. This is a shift in approach, but it is important that these places are assessed against the more appropriate set of provisions which directly concern works to heritage items and settings. It is not expected to impact significantly on compliance and resource consent costs as resource consents are</p>
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	<p>already required for external alterations, demolition and new buildings in the zone.</p> <p>Heritage areas, including the Akaroa Historic Area It is proposed not to apply the urban design controls for the Akaroa Historic Area (AHA) within the heritage provisions as these do not specifically control heritage fabric and values. The AHA covers the area listed by Heritage New Zealand.</p> <p>Much of this area falls within the proposed Residential Conservation Zone (under Stage 2 of the DPR) which proposes rules which seek to continue to protect character (refer Residential Chapter for further detail).</p> <p>Whilst there is not proposed to be a Heritage Area overlay (with a 'historic heritage' focus), the heritage items/setting provisions provide a level of protection for this area on an individual case by case basis. There would need to be further analysis of the appropriateness and boundaries of any proposed Heritage Area (or in another area in the district) with respect to these being 'historic heritage' based areas. There is not the up to date technical evaluation available to support inclusion of an area at this time<sup>26</sup>. With respect to Akaroa, the Technical Report - Heritage, refers to study undertaken, the Akaroa Heritage Conservation Areas Study, 2009. This included identifying six discrete areas of significance considered 'to be defensible for identification and protection at the time'. However the report goes on to refer that none of the studies (including studies for within Christchurch) have been revisited since the earthquakes to determine how the areas have been affected, including how they may have been compromised.</p> <p>It is important that any such further work and consideration of any regulatory protection afforded, is carried out in a comprehensive way, including having regard to the range of other methods which could effectively manage heritage areas (together with regulatory protection), for instance through guidance and advice, and through potential implementation of heritage areas regulatory provisions coupled with character areas overlays. As set out in Appendix 5.2 a specific programme of work for Heritage Areas is proposed through the Long Term Plan. The policy framework proposed in Chapter 9 provides for future consideration of heritage areas.</p> <p><u>e. Silent File Areas</u> It is proposed to carry over the operative Silent File areas in the BDPD<sup>27</sup>. These Silent File areas in Banks Peninsula are not as extensive as those in the Mahaanui Iwi Management Plan (IMP) and there is an area at Wairewa in the IMP which is not identified in the Operative Banks Peninsula Plan. To amend these areas to, either reflect the IMP</p>
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<sup>26</sup> The Technical Report - Heritage, Appendix 4 at Section 10 refers to the need to undertake further research to update the identification and evaluation of heritage areas.

<sup>27</sup> The Silent File in Belfast is being addressed through Phase 1 of the District Plan Review.

	<p>or, to update them or provide some more discreet scheduling, e.g. including a wāhi tapu schedule (for places which are agreed as appropriate to specifically notate in the Plan rather than through use of a silent file area overlay) or a combination of both is proposed to be undertaken as part of a subsequent programme of work (a plan change) which would include working with Ngāi Tahu. Any identification at a site specific level would need to be confirmed as appropriate (per place) by Ngāi Tahu (noting this is a shift away from the use of silent file areas). However, it is anticipated that such identification may sometimes be appropriate (given the work to undertake a programme of work in partnership with Ngāi i Tahu - a plan change relating to wahi tapu (which would include a schedule) has been under discussion with Ngāi Tahu and MKT, and Council officers during the course of preparing Chapter 9).</p> <p>As set out in the earlier section of this report meetings have been held with Council officers and representatives of Ngāi Tahu and MKT to initiate developing an appropriate approach to identifying and managing places of cultural significance. This is in recognition that a comprehensive approach is necessary and suitable time is afforded (outside of the DPR) to undertake this work. As set out in Appendix 5.2 work on places of significance Ngāi Tahu is one of series of heritage projects proposed through the Long Term Plan. The Council would seek to undertake this work for inclusion in the district plan through future plan changes.</p> <p>While a comprehensive piece of work is undertaken (including to ascertain any more site specific places in the district for scheduling) the silent file method provides a more general method, an 'alert' method to trigger an assessment under the resource consent process.</p> <p>The proposed rules for Silent Files are similar to the Operative BPDP and relate to new buildings, or additions to existing buildings and earthworks. An exception is for the provision for planting and removal of trees is not proposed to be carried over. Removal of 'indigenous vegetation' or activities in sites of ecological significance will be covered through other rules of Chapter 9 as referred earlier in this report.</p> <p><u>f. Schedules and Planning Maps - Identification of Historic Heritage Places, and Silent Files.</u></p> <p>The Schedule for Significant Historic Heritage Places (Appendix 9.3.6.1) includes heritage items and settings, and contains information per place covering street address, location, description and/or name, unique identification numbers for heritage item and setting, the relevant heritage aerial map, and planning map number. Whether a place is High Significance (Group 1), or Significant (Group 2) is detailed, as well as whether the place is listed by Heritage New Zealand Pouhere Taonga and the corresponding list number and</p>
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	<p>registration type. The shift to two groups and the inclusion of HNZ listings has been informed by feedback received during CAG workshops and meetings, from representatives of Heritage New Zealand, and for the Ministry of Culture and Heritage, who have recommended a two group classification system as opposed to a single group (which was being considered in earlier versions of the draft chapter).</p> <p>The scheduled places are shown on the planning maps with a boundary around the land parcels which contain a heritage item and/or setting, and in addition a star within that boundary. The unique identification number shown on the map is that assigned within the Schedule. This approach assists readers of the plan, landowners, and others including those undertaking development proposals near to heritage places, (such as through plan changes), to identify whether there is a heritage places on a particular site, to understand that a heritage provisions applies. The heritage aerial maps provide clarity on the extent of the heritage item and setting. The inclusion of heritage aerial maps is an effective approach of identifying detailed aspects of a heritage listing, this provides certainty and it especially important given the rules provisions are structured around heritage items and setting.</p> <p>The Schedule for Silent File Areas follows a similar structure to Appendix 9.4 with the inclusion of an identification number (I.D no.) Planning Map Number, Name and/or Description and Location. The identification numbers correspond to the Iwi Management Plan (IMP), although refer above for differences in corresponding boundaries between the proposed extent in this proposal, compared to within the IMP.</p> <p>An alternative approach for the heritage items (such as within the Operative City Plan) is the use of symbols on a map to denote presence of a heritage item, and no corresponding I.D number, and no aerial map. However, the use of symbols only has caused issues in the past with inaccurate placement of symbols on land parcels and issues around how places are described in the schedule. An example is in Christchurch City Council v Aidanfield Holdings Limited (CIV 2008-409-0092930) where there more than one building made up the one listing – the farm buildings and the St John of God Chapel, on different land parcels. The City Plan Maps identified the heritage listing with one symbol, the Chapel. The decision found held that the relevant heritage listing did not adequately identify the farm buildings<sup>28</sup>.</p> <p>With respect to heritage items and settings, not delineating settings on aerial maps was considered, however this raises issues of definition where the setting does not align to the property cadastral</p>
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<sup>28</sup> This was because the symbol on the planning maps identified a location some distance to the east of the farm buildings and there was no street number provided. Moreover, the description that did exist of the farm buildings expressly linked them to the St John of God Hospital Chapel, which had a different date of construction to the farm buildings.



	<p>boundary. Aerial mapping enables the extent of settings to be precisely identified, especially important where they do not follow property boundaries.</p> <p><u>g. Policy direction - future programme of work for other historic heritage, and non-regulatory methods</u></p> <p>The focus of landscapes of Ngāi Tahu cultural significance, other cultural landscapes and heritage areas is on setting clear policy direction that the Council will work with Ngāi Tahu and stakeholders to develop a framework for the protection for these important elements of historic heritage. There are no new proposed rules in relation to these aspects of historic heritage to recognise these values or to impact on landowners at this stage. For Silent File areas the existing provisions in the Banks Peninsula are proposed to be generally continued. Notwithstanding, it should be noted that other components of the chapter do recognise and provide for Ngāi Tahu cultural values in a landscape to an extent (although not directly through this historic heritage section). This is through the ONF/Ls and significant features and landscapes section as discussed above. The work undertaken to inform these provisions can be used to inform the future work programme.</p> <p>A future programme of work will provide the framework for adding new heritage listings to the Plan, and undertaking work concerning the areas of cultural landscapes, heritage areas and sites of Ngāi Tahu cultural significance. It will enable an updating of previous assessment work, and further preparatory work need to inform listing of additional, or further types of historic heritage. A programme of work is proposed to identify, assess, and list additional significant historic heritage in future plan changes. This includes work is for cultural landscapes and for places of significant to Ngāi Tahu, and is in recognition that it would need to be undertaken in partnership with Ngāi Tahu and Papatipu Runanga, and through working with key stakeholders such as Heritage New Zealand. Detail on the various heritage projects proposed through the Long Term Plan is set out in Appendix 5.2.</p> <p>With respect to heritage items and settings as set out in the Technical Report – Heritage, the Contextual Overview studies for Christchurch City and Banks Peninsula have identified a number of gaps in the historic themes represented in the schedule. Given the timeframes of the current DPR process, it is proposed to utilise a rolling review (through further plan changes) to work towards a more comprehensive schedule as part of a future work programme.</p> <p>Non-regulatory methods          Non-regulatory measures to support these provisions are an important aspect of the proposal and have been outlined above. A number of non-regulatory methods would accompany the provisions and this is detailed in Appendix 5.2. This builds on the existing Council</p>
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	<p>approach to support owners of heritage items (including financial assistance and advice) and it is important that this is continued into the future. Notably it includes free advice, access to heritage grants for repairs, conservation and upgrades to listed items through a Heritage Incentives Grants Scheme. The provision of financial assistance on existing practice is proposed to be continued through funding allocation to grants and access to heritage expert advice.<sup>29</sup></p> <p>1. Efficiency</p> <p><u>Benefits</u></p> <p>a. Identification and management of historic heritage helps to retain places that the community values. It recognises the public good value of heritage. The protection of significant historic heritage is of wider benefit to the public and visitors and contributes to district identity and sense of place. The identification of items, and appropriate management means people can visit, undertake activities within, or view them. This may lift their experience and benefit social and cultural well-being. The Report at Appendix 10 provides further detail on who accrues the benefits and costs.</p> <p>b. Non-regulatory methods are important in helping owners to make viable use of their buildings and maintain heritage values. The provision of grants and in conjunction with education and conservation advice assists owners and the community to sustain the heritage resource.</p> <p>c. Protection for heritage items and settings, and for places of cultural significance to Ngāi Tahu provides for a range of values to be recognised and maintained, including those values of significance to tangata whenua<sup>30</sup>.</p> <p>d. The proposed method for identification of heritage items and settings will aid in plan administration and implementation. It provides an efficient method of understanding which places have heritage items, and the precise extent of items and settings.</p> <p>e. Greater consistency in provisions across the district will aid interpretation and implementation of the plan. The proposed provisions provide for alignment across the district (refer also Chapter 13) including a two group classification system. The change will mean differences in activity status for some items (more permissive in some cases, more restrictive in others). It will simplify planning controls, provide consistent protection of heritage fabric and values across the district.</p>
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<sup>29</sup> At time of writing the Council has a Heritage Incentives Grants available for heritage conservation works. This is \$763,000 per annum available to owners of listed heritage items.

<sup>30</sup> Through identification and provisions for Silent File Areas, and in part through protection of places that are Significant Historic heritage schedules which have tangata whenua values.

	<p>f. A two group classification applied across the district simplifies the planning provisions. This is important in the context of the requirements of the Statement of Expectations and to managing heritage, as it aids in plan interpretation and implementation, and provides for more, or less regulatory intervention applicable to the status of a heritage place (including through matters of discretion as proposed). The recognition of High Significance in a Group 1 can also assist the Council with prioritising grant allocation and advice.</p> <p>g. The proposed controlled activity status for heritage upgrade works and for reconstruction, for heritage items is the least onerous activity status which can be applied (beyond permitted status). This recognises that building code upgrades, for example, are an obligation for owners, and will to be undertaken. Consent cannot be declined. This provides certainty to owners of heritage buildings. The provisions within the CCRP have been considered in determining the appropriate activity status. For instance, for heritage upgrade works the CCRP provides for this activity as permitted for Group 3 and 4 items, and controlled for Group 1 and 2 items. This means no change for some heritage items, and an increase in consent levels for others. It is considered necessary to enable this work to occur, but similarly to have a level of control over these works given the potential for significant adverse effects.</p> <p>h. Activities that have the most potential to adversely impact on heritage values are identified and managed through resource consent processes to ensure heritage values can be maintained. In addition, items can continue to be adapted or modified over time to ensure ongoing use. Whilst there is resource consent requirement it is within the parameters of an 'enabling' and 'recovery' provisions. The advice provided from heritage experts (as part of non-regulatory measures) including as part of applications can assist in improving proposals any may result in less cost to owners and improved heritage outcome.</p> <p>i. Activities that have less potential to adversely impact on heritage values are identified and managed as permitted activities (subject to standards). This enables landowners to undertake works without requiring preparation of consents. It is also a benefit to the community in reduced time and costs to Council to process consents.</p>
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	<p>j. Providing for some works and activities to occur without the need for consent or through a low level consent process (such as temporary marquees or signs not meeting permitted standards, and with a non-notified status) means these activities can be carried out more readily and at less expense. This could help to provide a source of income for owners of heritage items for holding events, for instance. This is a shift from the status quo under which some low level/minor alterations (including erection of temporary marquees) would need resource consent. The associated standards for these permitted activities will assist in ensuring that the heritage values are protected.</p> <p>k. The proposed removal of resource consent requirement for repairs in the city (outside Central City) aligns with the permitted status for repairs in the Central City and Banks Peninsula plans and supports owners to retain heritage items and reduces compliance costs.</p> <p>l. Provisions which exempt heritage items and settings from a resource consent reduces costs to landowners. This recognises the public good of these places and that there should be some reduced costs and incentives for owners to retain and conserve them.</p> <p>m. The provision of financial assistance to owners of heritage items (through grants) recognises the additional costs that owners of heritage items may incur. Whilst owners accrue costs concerning resource consents, there is the potential for conservation works to be partly off-set through gaining access to Council heritage grants.</p> <p>n. A number of the proposed provisions have a non-notified status which also reduces consent application costs (both for owners and for the community with respect to the costs of Council officer processing resource consents).</p> <p><u>Costs</u></p> <p>a. Risk that some poor heritage outcomes may result through providing for repairs and maintenance to be undertaken without heritage assessment through resource consent processes.</p> <p>b. Cost to owners of heritage places and developers to obtain resource consents for a number of works (preparation and costs accrued through processing applications). This cost accrues to a small proportion of owners when considered at a district wide level (refer Appendix 5.2 for the number of rating properties affected by heritage provisions, which is small when considered with respect to the district as a whole).</p> <p>c. Costs to community to fund advice and assistance - such as heritage grants and advice, and heritage week.</p> <p>d. Cost to the Council of processing and assessing resource consents.</p>
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	<p>e. Costs (certainty and potential consent delays) for landowners and developers as restricted discretionary status for some activities means the Council can decline an application which does not follow heritage conservation principles. There is also a cost for applicants to the seek specialist advice.</p> <p>f. Settings provisions – these will result in a cost for new buildings for instance (although there is already a requirement for consent for new buildings on 'the site' of a heritage building, place of object).</p> <p>g. A new cost is imposed for owners of items in Banks Peninsula for internal alterations. This is expected to have a small additional compliance cost as work is often undertaken to include both internal and external alterations.</p> <p>h. The application of the heritage provisions to 'notable' buildings in Akaroa is expected to result in a small additional cost as resource consent is currently required for external alteration (including building code upgrade affecting the exterior), new buildings and demolition in those zones.</p> <p>Overall evaluation The point at which regulatory intervention falls for management of historic heritage is at the level appropriate to achieve their protection and to meet the objective of maintaining historic heritage. Regulatory controls are necessary for some works, and for others are not necessarily required, or can be appropriately managed (with limited risk) through works being permitted subject to standards.</p> <p>Owners of heritage buildings can also access information on how to undertake these works according to conservation principles and achieve appropriate outcomes with access to guidance and advice.</p> <p>There is a cost to landowners to carry out works to heritage places, however, they are able to access advice, and in addition grants to contribute to off-setting this cost, at least in part.</p> <p>The classification of the historic heritage list for items and settings into two groups will assist in prioritisation in management the heritage resource.</p> <p>The provisions will support recovery through less regulatory intervention (wherever appropriate), thereby less cost to landowners. There is a cost to the owners and community, for example for the community through rates through financial assistance and advice. However, the benefits of providing this (coupled with less costs to landowners) including the value of maintaining the district's heritage resources outweigh the costs. This is particularly given the emphasis on heritage in the role of recovery.</p> <p>There is a level of risk in respect of achieving heritage outcomes that do not have significance adverse effects on heritage values through not having regulatory controls (or more control) over some works,</p>
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	<p>e.g. for repairs and maintenance, and building code upgrade. However, coupled with non-regulatory methods, such as advice and education through guidance documents), and standards applied to many of the permitted activities there is reduced risk of inappropriate outcomes.</p>
<p>Options less or not as appropriate to achieve the Objectives and policies:</p>	
<p>Option 2a - Variation of Option 1 with provisions based around an ungrouped Schedule for Historic Heritage Places (Heritage items and settings)</p>	<p><b>Appropriateness</b>                  The option of a single group was considered early on in the Section 32 process and a change in appropriate in approach to a two group classification was proposed from March 2015. During the S32 process of statutory consultation, feedback was received recommending a two groups approach to be more appropriate.</p> <p>This option is considered less appropriate to achieve the objective. It provides less scope to recognised and manage the district's highly significant places (Group 1) through the provisions (as proposed through the matters of discretion primarily). A single group limits directness in the provisions to emphasise places of high significance, and limits flexibility in tailoring the provisions.</p>
<p>Option 2b – Variation of Option 1 with provisions based on a Schedule categorised into 3 or 4 Groups.</p>	<p><b>Appropriateness</b>                  The City Plan has a hierarchy of significance of heritage places of four groups, and the Operative BPDP uses a two group classification<sup>31</sup>. The City Plan four group hierarchy is more complex to use and administer and the level of protection afforded through the provisions (the policy framework and activity status) for some works to heritage buildings is less for the lower upper groups with a tiered level of protection afforded (through description of value of these plans and the provisions). Notably, in the City Plan for the lower Group 4 their protection is only 'desirable' and for Group 3 items the protection is 'important' where this can be reasonably achieved. As set out earlier in this report, this has been problematic in recent years, for example with loss of heritage buildings in the lower groups (Groups 3 and 4).</p> <p>It would be possible to draft a set of provisions which are enabling (in a recovery context) and protect heritage values, on the basis of a three of four group structure. For instance the split of what requires consent, or lower level consenting, may in effect be only a single split between the upper and lower groups, and the group classification be more directly applied at the matters of discretion or matters of control. However, there would need to be a classification of the heritage places into 3 or 4 groups through heritage assessment, and this has not been undertaken.</p> <p>The Technical Report – Heritage describes how a more finely grained assessment (beyond two groups) has not been undertaken, and is not desirable or appropriate. With respect to the relationship to the</p>

<sup>31</sup> The City Plan's group classified is connected to a heritage item's geographical significance (e.g. national, regional, metropolitan or local).

	<p>provisions there is, therefore, no direct basis on which to draft provisions on more than a two group classification system. In addition the report also refers to listed items have been through a rigorous assessment process, and all need adequate protection from certain activities, especially for instance demolition, alterations and relocation. On this basis it would be difficult to compose a more tiered approach, than two groups for the policy framework and rules.</p> <p>In addition, it is very important to draw on the issues with continuation of existing provisions based on a more tiered hierarchy, known to result in poor outcomes and complexities for plan interpretation and implementation. Therefore, this not an appropriate approach.</p>
<p>Option 3 - As for Option 1 or 2 but with more stringent regulatory controls applied, i.e. most or all works to heritage items and settings requiring resource consent.</p>	<p><b>Appropriateness</b>  As demonstrated in the evaluation of the proposed option 1 it is not effective or efficient to apply more stringent controls for some activities in respect of historic heritage. Under a more stringent approach landowners would be able to less efficiently undertake repairs and maintenance. This may mean some buildings are not adequately maintained in the long term.</p> <p>Applying more stringent controls in the context of high order documents, the Order of Council, and Strategic Directions – particularly those given primacy in the Chapter, is a less appropriate option. As an example, it would not demonstrate less reliance on regulatory consent processes. It is recognised that there is a level of regulatory control required to manage the heritage resources of the district, however it can be achieved through minimal control where possible (and appropriate to maintain heritage values), and/or through lower level of consenting (activity status). Given there is a suite of non-regulatory measures to assist in maintaining heritage it is a less appropriate option to have a more stringent regulatory framework than proposed under Option 1.</p>
<p>Option 4 –  Reliance predominantly on Non-Regulatory Methods.</p>	<p>For heritage places, there is a need for a level of regulatory control to help inform and determine appropriateness of works, including the values as to why a particular place is important. This includes values of significance to Ngāi Tahu.</p> <p>With higher order statutory direction and the role of recovery in the district it is important that development concerning historic heritage is appropriately carried out to respect and maintain heritage values.</p> <p>Non-regulatory methods can also assist in achieving this outcome but are not a suitable method on their own. An example, for instance is an application which would result in significance change to a heritage building could be declined through a consent process and alternative and improved outcomes found. Without any regulatory intervention there would be little or even no ability to influence the heritage outcome.</p>

<p>Option 5 - Status Quo Provisions based on those within the operative plans.</p>	<p>Appropriateness This is considered to be an inappropriate option. It would mean the provisions are not updated with respect to higher order document and in the context of earthquake recovery, and would be based on provisions which have known issues - as discussed throughout the evaluation above. Notably it would be difficult to achieve based on the technical work undertaken given the amended approach to how heritage places have been assessed for significance.</p>
<p><b>Risk of Acting or Not Acting</b></p>	
<p>As for the other topic areas above, there has been substantial technical work undertaken by experts to understand and document the heritage values of the places and determine whether they are significant for including in the Plan. There is a high level of understanding of future work required to address other areas of historic heritage including the need to work in a collaborative environment with key partners and stakeholders for future assessment, identification and consideration of appropriate methods to manage the heritage resource.</p> <p>The potential threats to values have been considered and need to be managed accordingly. It is not considered that there is a high risk in implementing policy and methods relating to significant historic heritage, however, not including the proposed provisions would mean the loss of a significant tool the Council has in ensuring protection from inappropriate subdivision, use and development, and the overall objective of maintaining historic heritage. Further, not including policies and methods would not be appropriate with respect to giving effect to higher order documents, and with recognition of the role of heritage in recovery.</p>	

4.5 Evaluation of Proposed Provisions – Trees

There are two key methods for protecting the district's trees. Firstly, there is proposed to be a schedule of significant trees on privately owned land, and secondly, rules are proposed to protect trees in the public realm only when they meet specific criteria. For the Central City, this would exclude street trees in accordance with the Central City Recovery Plan. The Council however considers that the avenues (Moorhouse, Fitzgerald, Bealey, Harper and Deans) surrounding the Central City do not form part of the Central City and therefore the trees within those avenues are protected. Some trees will be managed under the Reserves Act 1977.

In terms of the Order in Council, the number of consent applications likely to be received will be reduced because the schedule includes fewer trees, and there is no protection of street trees within the Central City. The redevelopment of the Avon River, Victoria Square and other public parks may require consent for tree removal, however, the consenting burden overall is considered likely to be reduced.

Before undertaking the evaluation, the following sets out the main options considered and an explanation of what each option entails.

Option 1 - Status quo (current policies and rules)

The existing City and Banks Peninsula Plan provisions are worded differently but have the same intent.

This option involves the listing of heritage or notable trees, both on public and private land.



Under Option 1 the tree assessment system (commonly referred to as "Walter's System") forms the basis of the current heritage and notable tree listings in the District Plans. Refer to Appendix 6 - Significant Trees Technical Report for a detailed description of this assessment methodology.

Option 2 (Proposed Approach) - Combined existing and revised provisions

In Option 2, the number of policies relating to trees in the existing plans are reduced to avoid repetition. Permitted activities, subject to specific standards and discretionary activities, limited to Council's discretion, are provided.

Under this option, the assessment system for tree evaluation is changed to a modified version of the Standard Tree Evaluation Method (STEM) because of a number of issues with the existing Walter's System assessment methodology. Refer to Appendix 6 - Significant Trees Technical Report for a detailed discussion regarding the difference between the two assessment methodologies.

The schedule under this option identifies significant trees on private land only. Significant trees in public land, such as road corridors (excluding Central City), parks, reserves and public open space, are protected where they meet certain criteria. 'Height' is used as the threshold for significance in protecting these trees. Other criteria are not deemed appropriate such as: (1) the shape of trees - these are highly modified due to the amount and type of pruning necessary, i.e., removing of lower branches so as not to obstruct pedestrians or vehicles; (2) suitability in the landscape - trees can cause damage to kerb and channel, footpaths, vehicle entrances, etc; (3) condition - tree structure and health would be evaluated as average. Height is therefore the most appropriate threshold for significance. It is noted that Auckland and Ashburton likewise use 'height' as the threshold for significance in protecting trees.

By the time a tree reaches 6 metres high, a street tree is between 20 and 30 years old and a park tree is between 17 and 20 years old. This represents a significant investment by the Council in maintaining the tree, particularly in the case of a street tree where there are more frequent maintenance activities undertaken due to the tree being positioned in the road corridor. It is viewed that 6 metres in height should be considered significant enough for protection. Due to some shrub borders or hedges in parks reaching a height of 6 metres, it is considered appropriate to use a higher threshold of 10 metres for trees in parks.

Under the district Plan Review, only those trees on private land listed in the existing schedules of the City and Banks Peninsula Plans were assessed. Possible significant trees on private land will be reviewed through a plan change subsequent to the District Plan Review.

Option 3 - No policy framework and full reliance on non-regulatory methods

Under this option the protection of significant trees will be at the discretion of the community because there will be no policies in the Plan regarding its protection.

PROVISIONS (POLICY, RULE, METHOD) MOST APPROPRIATE WAY TO ACHIEVE THE OBJECTIVES
<p>Relevant objectives:                      9.4.1 Objective – Trees                      Maintain and enhance the contribution of significant trees and trees in road corridors, parks, reserves and public open space including in relation to:</p> <ul style="list-style-type: none"> <li>a. landscape character and amenity;</li> <li>b. cultural values;</li> <li>c. purification of air and rainwater;</li> </ul>

<ul style="list-style-type: none"> <li>d. releasing oxygen and storing carbon;</li> <li>e. cooling of the built environment and waterways;</li> <li>f. stormwater and erosion management;</li> <li>g. biodiversity protection and enhancement.</li> </ul>	
Provision(s) most appropriate (NB: most relevant parts of policies are <u>underlined</u> )	Effectiveness and Efficiency
<p>Option 2 (combined <u>existing</u> and revised provisions)</p> <p>9.4.<del>4</del>.1 Policy – Tree protection</p> <p>9.4.<del>4</del>.2 Policy – Tree maintenance</p> <p>9.4.<del>4</del>.3 Policy – Trees <u>values in road corridors, parks, reserves, and public open space</u></p> <p>9.4.<del>4</del>.4 Felling of significant trees</p> <p>Rule 9.4.<del>3</del>.2.1 Permitted activities – trees</p> <p>Rule 9.4.<del>3</del>.2.2 Restricted discretionary activities – trees</p> <p>Rule 9.4.<del>3</del>.2.3 Discretionary activities – trees</p> <p>9.4.<del>2</del>.4 Matters of Discretion</p> <p>Key definitions</p> <p>Planning Maps</p> <p>Schedules</p>	<p>1. Effectiveness</p> <p>Option 2 is considered more effective in achieving the objective as it will:</p> <ul style="list-style-type: none"> <li>a. protect significant trees on private land and particular street, park and open space trees, enabling the provision of amenity, environmental services, and enable intensification through protection of less trees on private land;</li> <li>b. maintain amenity and character of the district and Christchurch’s Garden City image;</li> <li>c. result in greater environmental and social benefits than the other identified options;</li> <li>d. reflect the imperative to protect street, park and open space trees from inappropriate pruning, felling, or works in close proximity;</li> <li>e. result in consistency across the district in terms of assessment of significance;</li> <li>f. Provides for the specification, and tailoring of provisions relative to whether a significant tree has 'exceptional' values<sup>32</sup>.</li> </ul> <p>2. Efficiency</p> <ul style="list-style-type: none"> <li>a. Benefits <ul style="list-style-type: none"> <li>i. Protect trees which are significant and which contribute to the landscape, character and amenity of the district, and have a value to the community.</li> <li>ii. Protects trees which have exceptional characteristics, including historical and cultural significance.</li> <li>iii. Economic benefit to the district from the greater retention of trees, including increased investment in a more attractive district.</li> <li>iv. Enhanced and more sustainable living environments through retention of trees which provide environmental services.</li> <li>v. Retention of trees planted in the public domain to retain environmental services, amenity, the garden city image, and also reduce cost to Council/community or replanting.</li> <li>vi. Reduction in the number of significant trees on private land, resulting in less consenting and compliance costs district-wide.</li> </ul> </li> </ul>

<sup>32</sup> The Technical Report for Trees sets out the assessment undertaken for assessing significance, including an evaluation to determine with whether a tree has exceptional values (Refer Appendix 6)

	<ul style="list-style-type: none"> <li>vii. Would be consistent with the draft Trees Policy (if adopted).</li> <li>viii. The average cost to remove and replace a medium to large tree is \$1245. Such trees contribute significantly to the 'garden city' image and the character of the district. Retaining these trees, where structurally sound, is beneficial in terms of both character and cost (refer to the technical report at Appendix 6).</li> </ul> <p>b. Costs</p> <ul style="list-style-type: none"> <li>i. Cost of compliance for landowners, including resource consent costs.</li> <li>ii. Restriction of the ability of landowners to remove or significantly prune significant trees.</li> <li>iii. Opportunity costs, including development limitations to accommodate significant trees.</li> <li>iv. Duplication of Reserves Act s42 provisions that restricts damage to or removal of trees in Scenic, Historic, Recreation or Local Purpose Reserves and where tree management policy provisions are provided in adopted Reserves Management Plans.</li> </ul> <p>Overall evaluation Benefits to the environment significantly outweigh costs. Environmental benefits are greater than for the other identified options and achieves the highest net benefit to landowners and the community.</p>
Options less or not as appropriate to achieve the Objectives and policies:	
Option 1 (Status quo – current policies and rules)	<p><b>Appropriateness</b></p> <p>The existing City Plan and Banks Plan provisions are similar in intent but worded differently. The City Plan does not make reference to environmental services.</p> <p>The existing Plans schedule both public and private trees. Other non-significant public trees, however, provide important benefits in terms of environmental services (as outlined in <u>Objective 9.4.1</u>).</p> <p>The key difference benefit of <u>Option 2</u> over <u>Option 1</u> is that the trees that will be listed as being significant have been assessed using consistent, rigorous and best practice methods.</p> <p><u>Option 2</u> will also likely to protect more public trees – leading to greater protection of trees which provide environmental services, amenity and help maintain the garden city image.</p> <p><u>Option 1</u> is therefore not as appropriate as <u>Option 2</u>.</p>

<p>Option 3 (No policy framework and full reliance on non-regulatory methods)</p>	<p><b>Appropriateness</b>                  Having no policies regarding the protection of significant trees provides no certainty that they will be protected. The protection of significant trees will essentially be at the discretion of the community and there is high risk associated with their removal, or degradation through inappropriate activities/development.</p> <p>This option is not considered appropriate.</p>
<p><b>Risk of Acting or Not Acting</b></p>	
<p>There has been substantial technical work undertaken by experts with respect to significant trees, including an updated assessment process for 'significance' (Refer Technical Report - Trees for further discussion at Appendix 6). The report details the detailed assessment work undertaken to determine whether a tree is 'significant', including setting this out on a 'step by step' basis, and referring to the on-site assessment work undertaken.</p> <p>The potential threats to values have been considered and need to be managed accordingly. It is not considered that there is a high risk in implementing policy and methods relating to significant trees and streets in road corridors, parks, and open spaces. However, not including the proposed provisions would mean the loss of a significant tool the Council has in ensuring protecting this natural resource.</p>	

**5 CONCLUSIONS - INCLUDING RESPONSE TO STATEMENT OF EXPECTATIONS**

5.1 Response to Statement of Expectations

The chapter responds to the Statement of Expectations as follows:

- Regulatory controls are applied wherever appropriate to achieve the objectives for natural and cultural heritage. This is in the context that Council must give effect to the CRPS and the NZCPS. These provide very strong direction in relation to several of the topics in this chapter, especially those which are matters of importance under section 6 of the RMA.
- Other methods currently in place or which could be utilised in the future (instead of non-regulatory methods) have been considered. Discussion on the available advice and grants for instance has directly informed the S32 evaluation and what are appropriate provisions.
- Wherever possible activities are permitted (subject to standards) so that there is less reliance on resource consent processes.
- The requirement for notification and written approval is limited to activities which are of particular concern and may need to be assessed through such a process.
- A more onerous activity status is proposed only where necessary and especially important to manage a particular resource of type of activity that has potential to significantly adversely or cause irreversible impacts on a natural or cultural feature or relative to its particular values.
- Activities which may result in complete loss of degradation of places, such as demolition of heritage buildings is, for example, set at non-complying status in recognition of the impact such an activity would have on maintaining heritage values.

- The tiered approach to the classification of some of the natural and cultural heritage features has enabled provisions to be drafted which reflect that some places are of such significance to the district that they need an additional level of regulatory intervention. Conversely this means for the other significant feature, they are identified and can be managed through less regulatory intervention. For all places proposed for inclusion on the relevant Schedules, the activity status and notification status is able to reflect that there are places of significance and of higher significance. This is considered important, consistent with existing plan provisions (as set out further in the Section evaluation), and more readily enables a recovery focused application of the provisions to achieve the objectives through focusing on where regulatory controls, including more stringent regulatory controls consenting is essential, or is not required subject to level of significance.
- The chapter is enabling for rural and recreation activities and for the ongoing use of historic heritage buildings where they can be carried out to integrated for instance with landscape values and character, or enhance the values.
- The proposed chapter is considered to be easier to use, with certainty of implementation for example, assisted through clear identification in schedules and mapping of places or features in the district which are afforded regulatory protection. Detailed mapping of historic heritage places provides an even higher level of certainty (through use of aerial maps) than would otherwise be achieved through use of planning map identification alone.
- Objectives and policies, clearly state outcomes and the landscape and natural character policies provide a set of qualities to describe why these places are important, thereby aiding in plan interpretation, administration and preparation of proposals for subdivision, use and development.
- The operative BPDP does not identify sites of ecological significance, so this does represent a significant policy shift for this area. In addition, new proposed listings are proposed (for historic heritage) and for landscapes and landscape features (both outstanding and significant).
- The CRPS at policy 9.3.1 requires not only that district plans will manage areas of significant indigenous vegetation and significant habitats of indigenous fauna, but that it will manage the clearance of indigenous vegetation on a case by case basis 9 (i.e. through resource consent). Such a requirement is considered onerous and is not consistent with the order in council. The proposed chapter adopts an approach which enables appropriate level of protection but also recognises the Order in Council requirements.

### 5.2 Overall Conclusion

There are a high number of significant natural and cultural heritage features (sites, places, areas and landscapes) across the district which needs to be recognised and managed. The proposed objectives and provisions have been developed in recognition of the strategic context (which includes many of the topics in this chapter being section 6 matters of importance), the recovery environment, and the particular resource management issues to the broad topic areas. The provisions have been informed by a significant amount of technical / expert assessment and through working in a collaborative manner as outlined in the earlier sections of this report. In developing the overall approach to provisions the range of options available to protect and manage the natural and cultural resources of the district have been considered. The approach proposed comprises a mix of regulatory and non-regulatory methods across all of the broad topic areas.

## 6 BIBLIOGRAPHY

Document Title/Date	Author
Resource Management Act 1991	
Reserves Management Act 1977	
Canterbury Earthquake Recovery Act 1991	
Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014	
New Zealand Coastal Policy Statement 2010	New Zealand Department of Conservation
Canterbury Regional Policy Statement 2013	Environment Canterbury
The Mahaanui Iwi Management Plan 2013	Ngāi Tūāhuriri Rūnanga, Te Hapū o Ngāti Wheke (Rāpaki), Te Rūnanga o Koukourārata, Ōnuku Rūnanga, Wairewa Rūnanga, Te Taumutu Rūnanga
The Recovery Strategy for Greater Christchurch Mahere Haumanutanga o Waitaha 2012	Christchurch Earthquake Recovery Authority (CERA)
The Land Use Recovery Plan - Te Mahere Whakahaumanu Tāone 2013	Christchurch Earthquake Recovery Authority (CERA)
Christchurch Central Recovery Plan - Te Mahere Maraka Ōtautahi 2012	Canterbury Earthquake Recovery Authority (CERA)
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Natural Environment Recovery Programme for Greater Christchurch Whakaara Taiao, 2013	
National Policy Statement for Freshwater Management, 2014	Ministry for the Environment
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New Zealand Biodiversity Strategy 2000	Ministry for the Environment
Protecting our place: Introducing the national priorities for protecting rare and threatened biodiversity on private land	Ministry for the Environment /Department of Conservation
Canterbury Biodiversity Strategy 2008	Environment Canterbury
Biodiversity Strategy 2008-2035 (2008)	Christchurch City Council
Public Open Space Strategy 2010 - 2040	Christchurch City Council
Surface Water Strategy 2009 – 2039 (2009)	Christchurch City Council
Section 32 - Technical Reports – ( refer Section 32 Appendices)	Various reports by Christchurch City Council Officers (2015) Reports by Boffa Miskell 2015 Report by Market Economics 2015
Water Supply Strategy 2009 - 2039	Christchurch City Council

Document Title/Date	Author
Canterbury Water Management Strategy (2011)	Environment Canterbury (and others)
Banks Peninsula Water Management Zone Implementation Programme; Christchurch-West Melton Water Management Zone Implementation Programme; Selwyn Waihora Water Management Zone Implementation Programme	Environment Canterbury (Environment Canterbury has summarised the water management recommendations made by Canterbury Water Management Strategy (CWMS) zone committee to date).
Water Supply, Wastewater and Stormwater Bylaw 2014 Parks and Reserves Bylaw (2008) Public Places Bylaw (2008)	Christchurch City Council, under LGA
2013 – 2016 Community Outcomes for Christchurch	Christchurch City Council
ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value, Revised 2010	ICOMOS New Zealand

## 7 APPENDICES

- 7.1 APPENDIX 1 - Linkages between Provisions
- 7.2 APPENDIX 2 - Technical Report for Sites of Ecological Significance
- 7.3 APPENDIX 3 - Landscape Technical Reports
  - 7.3.1 Appendix 3.1 - Technical Landscape Overview Report
  - 7.3.2 Appendix 3.2 - Te Pātaka o Rākaihautū / Banks Peninsula Landscape Review Addendum **Report**
  - 7.3.3 Appendix 3.3 - Ōtautahi / Christchurch Landscape Study
  - 7.3.4 Appendix 3.4 - Banks Peninsula Landscape Study - May 2007
  - 7.3.5 Appendix 3.5 - Te Pātaka o Rākaihautū / Banks Peninsula Landscape Study - Ngāi Tahu Values Addendum
  - 7.3.6 Appendix 3.6 - Central City Technical Landscape Overview Report
- 7.4 APPENDIX 4 - Technical Report - Heritage
- 7.5 APPENDIX 5 - Historic Heritage – Appendices
  - 7.5.1 Appendix 5.1 - Historic Heritage Summary Data Analysis
  - 7.5.2 Appendix 5.2 - Summary of Historic Heritage Non-regulatory Methods and Proposed Heritage Protection Activity Management Plan under the Local Government Act
- 7.6 APPENDIX 6 - Significant Trees Technical Report
- 7.7 APPENDIX 7 - Sites of Ecological Significance – Statements of Significance
- 7.8 APPENDIX 8 - Significant Historic Heritage Places – Statements of Significance
  - 7.8.1 Heritage Statements of Significance - Banks Peninsula
  - 7.8.2 Heritage Statements of Significance - Christchurch
  - 7.8.3 Heritage Statements of Significance - Central City
- 7.9 APPENDIX 9 - Significant Trees – Statements of Significance
  - 7.9.1 Statements of Significance Significant Trees- Banks Peninsula and Christchurch
  - 7.9.2 Statements of Significance Significant Trees- Central City
  - 7.9.3 Statements of Significance Significant Trees- Groups of Trees
- 7.10 APPENDIX 10 - The Economics of Natural and Cultural Heritage Assets: Recommendations for Policy development