

**QLDC Council  
30 June 2015****Report for Agenda Item: 15****Department: Planning & Development****District Plan Review: Proposed Historic Heritage Chapter Update and Further Consultation****Purpose**

- 1 The purpose of this report is to seek Council's final acceptance of the Historic Heritage provisions for the District Plan Review, following further consultation on the Inventory of Protected Features.

**Recommendation**

That Council:

1. Note the contents of this report;
2. Accept the content of the revised Historic Heritage Chapter and Section 32 Report.
3. Note that the entire package will be brought back for Council's final approval along with other provisions forming Stage 1 of the District Plan Review, prior to public notification.
4. Authorise officers to make further minor changes to the Section 32 and Provisions without further recourse to Council, where this is necessary to:
  - a. Ensure consistent numbering and formatting of the proposed District Plan text; and,
  - b. To fix identified minor errors and / or omissions.
  - c. Ensure continuity with other proposed provisions.

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29/05/2015

Reviewed and Authorised by:

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15/06/2015

## **Background**

- 2 The Historic Heritage Provisions were accepted by Council following a report to the meeting on 25 September 2014. The Inventory of Protected Features was presented to Council on 26 February 2015. Council instructed officers to carry out further consultation on the Inventory, with a limited representative group. Responses to that consultation were discussed at a Council workshop on 5 May 2015.
- 3 The further consultation has identified some minor amendments to the Inventory. Those new features that have adequate assessments against Council's criteria are now nominated for inclusion within the chapter.
- 4 In the interim, the Proposed Regional Policy Statement has been notified and the Section 32 that accompanied the September 2014 report has been updated – see page 3 of that report (Attachment B).

## ***Comment***

- 5 The responses to further consultation identified a number of potential historic heritage features for inclusion within the District Plan. There were several items that included minimal information, which would not be considered robust and defensible at their current level. Further professional assessments of these sites is required to correctly identify if they are suitable for inclusion and which level of protection (Category) would be appropriate.
- 6 New items at Kawarau Falls Station and Threepwood have been added, a cottage at Centennial Avenue in Arrowtown is upgraded and has a curtilage defined. The listing for the Kingston Flyer is amended to include the infrastructure only.
- 7 It is anticipated that the Public Notification process will also identify new nominations, or provide a need to update minor details to the Inventory. The general public will be encouraged to check all proposed plan maps against their property. These expected nominations and updates will then be addressed either in Stage 2 of the District Plan Review, as a separate Plan Change if numerous, or at the midpoint of the operative life of the plan.
- 8 The most significant effect of the further consultation was the acknowledgement of legal advice concerning the Kingston Flyer. As the engines and carriages are mobile, (considered to be in effect a vehicle) and not confined to the District, they do not fit within the intention of the Resource Management Act for protection, which generally controls land use and development. The infrastructure associated with the railway however, can be adequately and correctly protected through the District Plan provisions. This intention (it is still subject to the Public Notification process under Schedule 1 RMA), has been communicated to the owner, and the local community association.

### **Options**

9 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

10 Option 1 Accept the Historic Heritage Chapter including the Inventory of Protected Features as proposed.

11 Advantages:

- The information provided to date is sufficiently complete and will offer adequate protection to the District's Historic Heritage.

12 Disadvantages:

- Minor, and the Inventory is subject to the Schedule 1 process and items may be contested.

13 Option 2 Revert to the previous Inventory, as presented in February 2015.

14 Advantages:

- Nil.

15 Disadvantages:

- Council may be considered to be not meeting the obligations of the RMA to identify and protect historic heritage, having become aware of substantiated heritage features but opting not to protect them.

16 This report recommends Option 1 for addressing the matter.

### **Significance and Engagement**

17 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because it will not impact on Council's capability and capacity, is not inconsistent with existing policy and strategy, and will not affect significant numbers of the community.

### **Risk**

18 This matter relates to the strategic risk SR1 "Current and future development needs of the community (including environmental protection)", as documented in the Council's risk register. This is due to the fact that the matter relates to the District Plan. The risk is classed as high as a result of the fact that the District Plan is a critical document for the social, economic and environmental wellbeing of the District.

19 The recommended option considered above, allows Council to mitigate the risk by simply tolerating the level of risk.

### **Financial Implications**

20 There are no additional costs anticipated by taking the recommended option.

### **Council Policies, Strategies and Bylaws**

21 This matter is included in the 10-Year Plan/Annual Plan as it is aligned with several desired community outcomes.

22 This matter is also aligned with the Heritage Strategy 2010.

### **Local Government Act 2002 Purpose Provisions**

23 The recommended option:

- Will help meet the current and future needs of communities and performance of regulatory functions in a way that is most cost-effective for households and businesses by increasing the efficiency of the District Plan.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan; and is;
- Is consistent with the Council's plans and policies

### **Consultation: Community Views and Preferences**

24 The Council has consulted with statutory bodies, heritage professionals and interested community and heritage groups.

### **Legal Considerations and Statutory Responsibilities**

25 This matter is subject to the process contained within Schedule 1 RMA.

### **Attachments**

- A Proposed Historic Heritage Chapter
- B Section 32 Evaluation
- C Heritage feature assessments.