

## Hearing 7 & 8: Historic Heritage and Notable Trees

### Questions from the Hearing Panel

As foreshadowed by paragraph 12 of Minute 1, having read the Section 42A Report for the Historic Heritage and Notable Trees hearings, the Hearing Panel members have a number of questions that they would appreciate being answered by the Section 42A Report author(s) in writing prior to the hearings commencing.

Paragraph or Plan reference	Question
	<b>Historic Heritage</b>
8.4.6	Regarding the question of scope - will the inclusion of the recommended minor amendments (i.e. to the 'Additions and Alterations' and Physical Description' sections) have any bearing on the rules/protection. In other words, will anyone be prejudiced or affected by the inclusion of those items in the schedule?
<i>Officer response</i>	<p><i>Not in my opinion.</i></p> <p><i>In most cases the proposed amendments merely seek to add further clarity and detail to information that is already included in the HIRF for H210. In some respects many of the amendments could arguably have been made under C16(2) of the RMA.</i></p> <p><i>Additional amendments have been recommended to the 'Architectural and Aesthetic Significance' and Technological and Craftsmanship Significance' sections of the HIRF that build on the information available at the time the PDP was notified – these amendments were unintentionally excluded from mention in section 8.4.6 of my S42A report (but are identified in the amended HIRF in Appendix 5 of that report).</i></p>
8.13.2	<p>For the 'Prebbleton School Teacher's House' (H330), the report states:  <i>Regarding the lack of specificity about the archaeological values present, this is because the process did not include an archaeological assessment, but is on the basis of the age of H330 (built between 1875, with alterations in 1883). .... As such it is appropriate to identify that there are <b>potential</b> archaeological values still to be found within the Heritage Setting of H330, notwithstanding that the submitters have not found any while carrying out their usual residential activities over the past 30 years (my emphasis)</i>  Where this is challenged by a submitter should there not then be an obligation on the part of Council to establish what those potential architectural values are and that they warrant protection in the PDP?</p>
<i>Officer response</i>	<p>The assessment criteria for Archaeological and scientific significance value [HH-SCZHED1] states that :</p> <p><i>'Archaeological or scientific values that demonstrate or are associated with: the potential to provide information through physical or scientific evidence and understanding about social, historical, cultural, spiritual, technological, or other values of past events, activities, structures, or people.'</i></p> <p>The operative word here is 'potential', because unless an archaeological survey has been undertaken it will likely not be possible to determine the information that the site of a heritage building, structure or item may reveal in future. The provisions of the HNZPTA concerning the protection of pre-1900 archaeological sites dovetails with this heritage assessment criteria, hence the identification, in the case of this building, with the potential archaeological value of a heritage item that dates to the later 19<sup>th</sup> C</p>

Paragraph or Plan reference	Question
9.4.6	Can you please clarify why non-notification clauses (in particular for full public notification) would be inappropriate when applied to Controlled Activity applications for minor works. Do other Chapters of the PDP have non-notification clauses for Controlled Activities?
<i>Officer response</i>	<i>Other Chapters of the PDP do include non-notification and limited notification clauses for various 'minor' works (i.e. EI-R1 Activities in the National Grid Yard, TRAN-R4 Vehicle Crossings, HH-R1 Maintenance or Repairs). As such I accept that in the case of HH-R2 Earthquake Strengthening, that it may be appropriate for limited notification, for example to Heritage New Zealand Pouhere Taonga.</i>
	<b>Notable Trees</b>
12.6.1	The reason for removing 'sunlight access' from TREE-P4 is understood (i.e. these words have the potential of unwarranted pruning or modifications of notable trees). However, is sunlight access not still a valid consideration that should be recognised in some way as an acceptable reason to modify listed trees in some circumstances?
<i>Officer response</i>	<i>As noted in the s42A report, I consider there are marginal benefits in accepting the Council's submission to remove 'sunlight access' from TREE-P4; deleting the wording clarifies those circumstances where modification is acceptable, but it is also relevant to note the focus of TREE-P4 pertains to modification not destruction or removal, and any modification is to be undertaken in accordance with best arboricultural practice by a suitably qualified and experienced arborist and will maintain or improve the health of the tree. As such I consider that there is unlikely to be any significant issues if 'sunlight access' was to remain in TREE-P4.</i>
12.35.1	While notable tree removal or major works might be of interest to neighbours and the community who value the tree and its unmodified appearance, why would non-compliance with TREE-R2 (gardening and cultivation) and TREE-R3.1 (earthworks for fenceposts and network utilities) need to be notified to other parties?
<i>Officer response</i>	<i>As noted above, other Chapters of the PDP do have non-notification and limited notification clauses for various 'minor' works. As such I accept that in the case of minor works associated with Notable Trees (TREE-R2 Gardening and Cultivation, TREE-R3 Activities close to scheduled notable trees) that it is appropriate for non-notification clauses to be provided for.</i>