
BEFORE PALMERSTON NORTH CITY COUNCIL

In the Matter of: The Resource Management Act 1991

And Proposed Plan Change J:
Massey University Turitea Historic Area

Application By: Palmerston North City Council

STATEMENT OF EVIDENCE BY
Tara Lennard

Dated: 28 September 2022

Introduction

Preamble

- 1) My name is Tara Lennard. I am a Policy Planner with the Palmerston North City Council. I hold the qualification of Bachelor of Resource and Environmental Planning (Honours) with a minor in geography, from Massey University and I am a Graduate Member of the New Zealand Planning Institute. I have one and a half years of planning experience in local government.
- 2) Over the last year and a half my experience has included the preparation of plan changes, resource consent applications (on behalf of Council) and processing resource consents. I have also had input in policy monitoring work required under the National Policy Statement for Urban Development (2020). I am therefore familiar with the issues associated with preparing and applying District Plan provisions.
- 3) The purpose of this report is to assess the proposed plan change in terms of the relevant statutory considerations and obligations, taking into account those issues raised by submissions.
- 4) I have read the Code of Conduct for Expert Witnesses (Section 7 of the Environment Court Consolidated Practice Note 2014) and I agree to comply with this Code of Conduct. This evidence is within my area of expertise, except where I state I am relying on what I have been told by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
- 5) The following is a list of abbreviations referred to throughout my report:
 1. PPCJ– Proposed Plan Change J Massey University Turitea Historic Area.
 2. PNCC or the Council – Palmerston North City Council
 3. RMA or the Act – Resource Management Act 1991
 4. PNDHAG – Palmerston North Defence Heritage Advisory Group
 5. HNZPT – Heritage New Zealand Pouhere Taonga
 6. Turitea Historic Area or Oval – the site encompassing the Massey University Turitea Historic Area.
- 6) This report is structured according to the following format:
 1. Overview
 2. Submissions
 3. Framework for Analysis
 4. Analysis of Submissions
 5. Statutory Considerations
 6. Purpose and Principles of the RMA
 7. Conclusions and Recommendations

- 7) This report includes the following appendices
 - A. Summary table of Submissions
 - B. District Plan Provisions as amended as a result of submissions
 - C. Signed Joint Witness Statement

Appendix 1 Heritage Assessment Report 2019. (attached separately)

Appendix 2 D P Section 19 Institutional Zone Amendments PPCJ

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1. Overview

The Plan Change Process

- 1.1 Proposed Plan Change J: Massey University Turitea Historic area (PPCJ) has been prepared and notified (limited) in accordance with section 74 of the RMA, and the first part of Schedule 1 which outlines the requirements for changing a District Plan.
- 1.2 The plan change process allows the District Plan to be updated and changed as required to address new issues or as new information becomes available on methods to manage the City's natural and physical resources and the effects of activities on the environment.

Summary of Proposed Plan Change J

- 1.3 A detailed description of PPCJ has already been provided for by the section 32 report. The following is a high-level description of the Plan Change.
- 1.4 PPCJ proposes to identify the Turitea Historic area (Massey Oval) as a heritage precinct under the PNCC District Plan. PPCJ aims to introduce provisions to recognise and protect the historic heritage values the Oval holds for Massey University and the wider community. No buildings are proposed to be protected under this plan change. This requires an overlay and some changes to the Definitions and institutional zone sections of the District Plan. The changes can be summarised as follows:
 - New definition for 'Massey University Turitea Historic Area: means the land containing the Massey Oval and surrounding buildings at Massey University's Manawatu Campus. See Map 19.1: Turitea Historic Area.'
 - New Objective 4 and supporting Policies for Section 19: Institutional Zone
 - New Rule 19.4 related to Permitted Activities in the Turitea Historic Area.
 - New Rule 19.6 related to Restricted Discretionary Activities in The Turitea Historic Area.
 - New non-notification rule for applications made for restricted discretionary consent applications to not be publicly or limited notified under R19.6.4
 - A new overlay encompassing the area (approximately 33,924m²).
- 1.5 Proposed PPCJ, along with the s32 report, heritage assessment and proposed provisions was presented to the Planning and Strategy Committee on 08/12/2021 with the recommendation to be notified on a limited basis. The recommendation to notify the plan change on a limited basis was approved.

1.6 The plan change was notified on a limited basis on 26/01/2022. Under clause 5A of the RMA, a local authority may give limited notification if all persons directly affected by the plan change can be identified. This means only those given limited notification may make a submission. Limited notification has been determined appropriate in the circumstances of this plan change due to its discrete nature, limited interested parties identified in the S32 report and the spatial location of the proposed protected area. The parties that were notified are:

- Massey University
- PNCC
- Rangitane o Manawatu
- Heritage New Zealand Pouhere Taonga (HNZPT)
- Horizons Regional Council
- Palmerston North Defence Heritage Advisory Group (PNDHAG)
- Historic Places Manawatu.

Consideration was given to the extent and scale of impacts that might occur as the result of the proposed changes to the District Plan. A spatial assessment for the scope of notification was conducted as a part of the methodology of this notification assessment. The proposed plan change area is located in the Institutional Zone. The spatial assessment showed the wider surrounding environment of the proposed plan change is recreational, rural and institutional, with Massey University owning the majority of this land. The proposed plan change area is small in comparison to the total land area owned by Massey University.

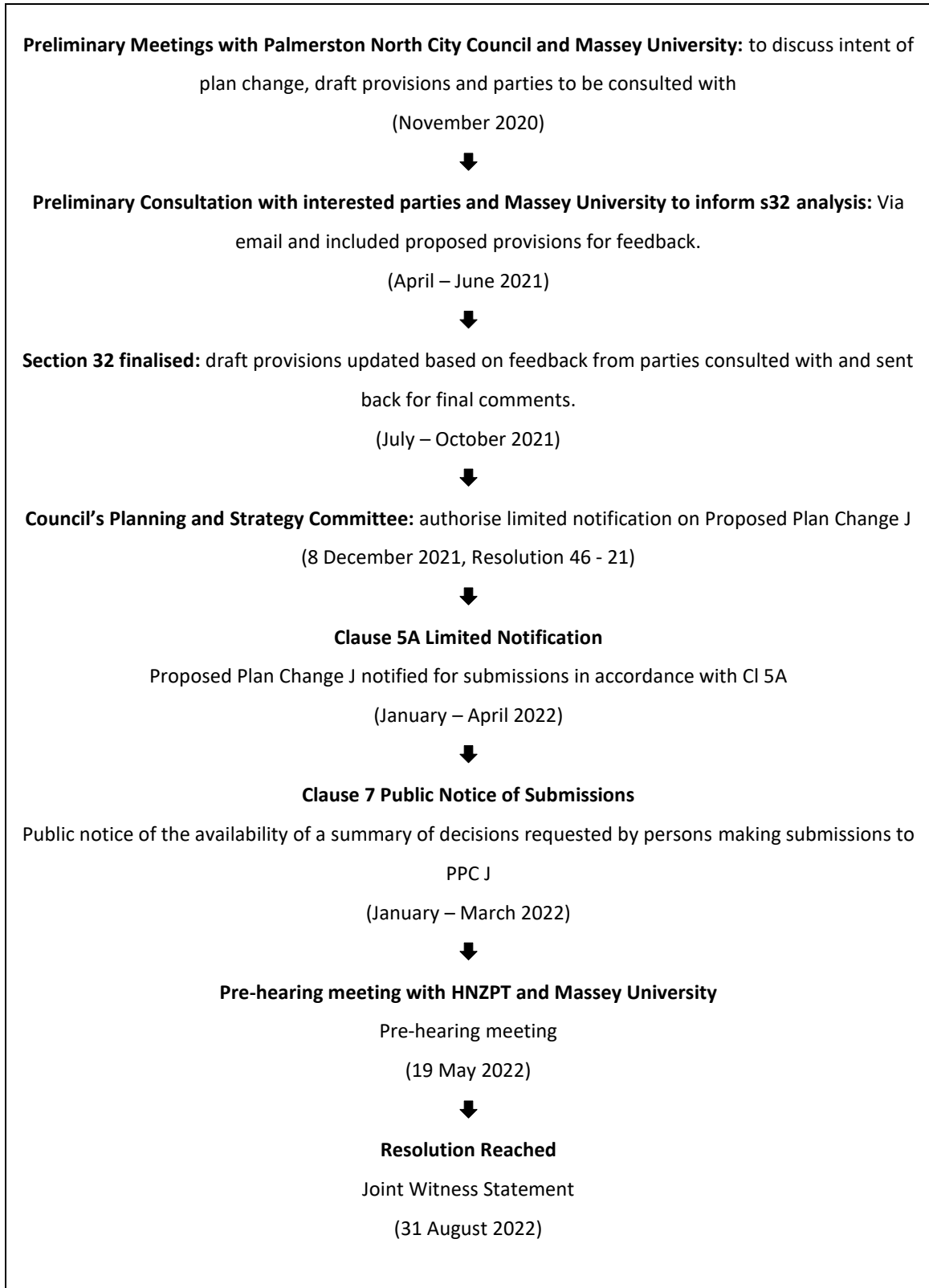
Neighbouring landowners within the remaining institutional zone are not affected as the proposed plan change is within the core of the campus, therefore there are no effects on neighbouring landowners, and they do not need to be notified. There are no other directly affected parties.

The decision not to notify owners and occupiers within the wider area and residential zone was easily justified due to the discrete nature and size of the proposed plan change, the effects being considered to be less than minor, and the affected area not being adjacent to any third-parties.

1.7 The submission and further submission period closed on 23/03/2022. A total of three submissions and one further submission was received. All parties who made a submission were invited to a pre-hearing meeting via email on 1/04/2022 with the prehearing held on the 27/05/2022.

Proposed Plan Change J Preparation Chronology

1.8 The following table is a chronology of the key decisions and record of consultation on PC J.



Proposed Plan Change J Strategic Direction

PPCJ contributes to PNCC goal 2: ‘A creative and exciting city’ which aims to create a city that draws inspiration from the diversity within its culture and creates a vibrant urban environment. This makes Palmerston North an

exciting and creative place to live, by promoting and celebrating local history, heritage places and buildings. PPCJ supports this by recognising the historic heritage values the oval holds to the city and events that took place at the oval, along with its difference uses over time.

PPCJ contributes to the actions outlined in the PNCC Arts and Heritage Plan 2021 by celebrating Palmerston North's local History. PPCJ is an initiative to protect and promote a place of historical significance for the wider community. The relevant actions from the Arts and Heritage Plan 2021 include:

- Collaborate with the community to make heritage a visible part of city life and the cityscape.
- Review the District Plan to investigate and identify character or heritage areas.

PPCJ contributes to strategic direction and the social, economic, environmental and cultural wellbeing of the City's residents by:

- Protecting the social wellbeing of the area as a natural gathering place for informal recreation.
- Recognising that the area has ongoing use value in the educational role of the university.
- The botanical value of mature trees and the wide-open space will be retained and protected.
- The area has cultural values as it was the heart of the Manawatu Campus and served many generations.

2. Submissions

2.1 PPCJ was notified on 26/01/2022. Submissions to the Plan Change were received from three original submitters: PNDHAG, HNZPT and Massey University. Further submissions were notified on 09/03/2022 and one further submission was received by Massey University.

2.2 All of the submissions received support the Plan Change, as they directly stated an overall position. All submissions were related to particular aspects of the proposed Plan Change rather than the change in its entirety. A summary table of recommendations on submissions is contained in **Appendix A**.

3. Framework for Analysis

3.1 Before a plan change request can be incorporated into a District Plan it must fulfil a number of statutory requirements set down in the Resource Management Act, including:

- Part II, comprising Section 5, *Purpose and Principles of the Act*; Section 6, *Matters of National Importance*; Section 7, *Other Matters*; and Section 8, *Treaty of Waitangi*;
- Section 31, *Functions of Territorial Authorities*;
- Section 32, *Duty to consider options, assess efficiency, effectiveness, benefits and costs*;
- Section 74, *Matters to be considered by territorial authorities*; and
- Section 75, *Contents of district plans*.

- 3.2 The process of preparing the Plan Change has been a rigorous one, based on a foundation of in-depth technical research and analysis, supported by public consultation. It is my view that the process that has been undertaken to date has fully met the Council's statutory obligations and requirements. The purpose of this assessment is to determine whether the provisions of PPCJ should be confirmed, amended or deleted, after consideration of the decisions sought by submitters.
- 3.3 Part of the assessment of the Plan Change must also include an evaluation of the provisions of PPCJ itself to determine their adequacy in terms of:
- (a) Addressing any potential adverse effects on the environment;
 - (b) Their relationship and workability with other District Plan provisions; and
 - (c) The appropriateness of such provisions (for example, their reasonableness and consistency).

4. Analysis of Submissions

- 4.1 An analysis of all of the submissions and further submissions received, including whether each should be accepted or rejected, can be found in **Appendix A**.
- 4.2 The rest of this section is an analysis of the key issues raised during consultation. They are categorised under the following subheadings:
- Military heritage acknowledgement
 - Recognition of a university context
 - Maintenance and repair of buildings

Military Heritage Acknowledgement

- 4.3 Submission S1 by PNDHAG expressed the opportunity to recognise the Oval's military heritage and history aspects, especially regarding the Second World War. The submission suggested that placemaking, wayfinding and signage be incorporated into the plan to give awareness to military heritage connections.

Consultation with The Palmerston North Defence Heritage Advisory Group

- 4.4 The Council has engaged with PNDHAG following limited notification of PPCJ as they were identified as an interested party. PNDHAG were invited to the prehearing meeting on the 27th of May, via email attached, with the further submission made by Massey University which outlined a response to PNDHAG's submission. PNDHAG were unable to attend the pre-hearing meeting.

- 4.5 PNDHAG did not provide a direct response to Massey's further submission but did state they were supportive of the proposed plan change. They did not indicate that they would like to attend mediation for a hearing.

Recommendations

- 4.6 I consider that no further changes are required as military heritage acknowledgement within the oval is provided for in the proposed provisions i.e signage outlined in Appendix B.

Recognition of a university context

- 4.7 Submission S3 by HNZPT suggests changing the wording of policy 4.1 to reflect the open space in a university context in S3/1. The reasoning for this amendment is to add contextual understanding of the oval as rare within a university setting. This is seen as appropriate due to the oval being a unique space within the University.

Planning Analysis

- 4.8 Massey University responded to this request from S2 in their further submission stating that they accept this change. This matter was discussed briefly at the pre-hearing meeting on 19/05/2022 and all parties accepted the request, as shown in **Appendix A: Summary table of submissions** and **Appendix B: Proposed District Plan provisions as amended as a result of submissions for PPCJ**. I believe that this proposed change is acceptable and relatively minor in nature.

Recommendations

- 4.9 I agree to accept and adopt change to policy 4.1 to include 'a university context' as the change in wording recognises that it is a significant historical place within the wider Institutional Zone.

Maintenance and repair of buildings

- 4.10 Submission S3/2 by HNZPT requests that provision 19.4.4 for seismic strengthening be changed from 'maintenance and repair' to 'alteration' of a building. The reasoning outlined in S3/2 is due to seismic strengthening being considered within the alteration category activity. Submission S3/3 by HNZPT requests deleting proposed performance standard 19.4.4 (d) iii relating to external maintenance and repair, including seismic strengthening, where the strengthening work does not result in any existing openings (doors or windows) being obstructed. Massey University opposed S3/2 and S3/3 in their further submission.

Planning Analysis

- 4.11 The matters outlined in S3/2 and S3/3 were discussed at the prehearing meeting on the 19/05/2022. HNZPT outlined they were concerned that strengthening works could potentially block windows and doors, which could have an adverse visual effect, and suggested putting in place a consent process for works fronting the oval. Massey University disagreed and stated the purpose of the plan change was how the buildings front the oval rather than internal alterations on the inside. Massey also advised that they were highly unlikely to block windows and doors as a result of internal alternations and that any visual risks associated with internal alterations were low, and in any case, were not a focus of the plan change, which was related to external features and how they front onto the oval. HNZPT accepted that the risk was low and therefore agreed to keeping the notified provisions (see **Appendix C: Signed Joint Witness Statement**).
- 4.12 I consider that Rule 19.4.4 relating to seismic strengthening should remain as maintenance and repair and performance standard 19.4.4 (d) iii will remain in the proposed provisions. Based on the Heritage Assessment Report in **Appendix 1: Heritage Assessment Report 2019: Cochran and Murray, Conservation Architects., Micheal Kelly, Heritage Consultant and Sarah Poff, Landscape Architect.**, the buildings within the oval, except the refractory building, do not meet Heritage New Zealand status. The report states the aim of the area is not to protect the buildings, rather how they front the oval and spatial qualities of the area.

Recommendations

- 4.13 I consider that the notified provisions for R19.4.4 are the most appropriate and should be approved as outlined in **Appendix B: Proposed District Plan provisions as amended as a result of submissions for PPCJ.** and **Appendix C: Signed Joint Witness Statement**

5. Statutory Considerations

Section 31 – Consistency with RMA Functions

- 5.1 One of the functions of the Council under section 31 is to establish, implement and review objectives, policies and methods –

To achieve integrated management of the effects of the use, development, or protection of the land and associated natural and physical resources of the district.

- 5.2 PPCJ seeks to put in place a protective overlay and relevant provisions in section 19: Institutional Zone. New Objectives, Policies and Methods are proposed to enable the creation of the Massey University Turitea Historic Area and enable its future protection.

Section 32 – Evaluation of Appropriateness

- 5.3 Section 32 of the RMA sets out a duty to examine whether the objectives of a plan change are appropriate to achieve the purpose of the Act and whether provisions are the most appropriate way to achieve the objectives of the plan change. The evaluation must identify options and examine the efficiency and effectiveness of provisions in achieving the objectives of the plan change. Importantly, the level of detail contained in the evaluation must correspond to the scale and significance of effects anticipated from the implementation of the plan change.
- 5.4 Massey University has provided a s32 evaluation as part of the plan change documentation prepared by WSP. The evaluation consists of two parts, the first outlines a description of the proposed plan change and proposed amendments to the District Plan. Part two consists of the s32 Assessment Report.
- 5.5 S32AA of the act requires a further evaluation if changes have been made to the proposal since the evaluation report was completed. This applies to PPCJ as I believe it is appropriate to change Policy 4.1 as a result of S3. An evaluation against s32AA of the act can be found below:

Table 1: RMA s32AA Evaluation of Proposed Change to Policy 4.1

| | Assessment of the efficiency and effectiveness of the provisions in achieving the objectives of PPCJ |
|--------------------------------------|---|
| The proposal | Amend policy 4.1 to include 'in a university context' |
| Relevant objectives of PPCJ | <ul style="list-style-type: none"> Objective 4: to recognise and protect the historic values of the Turitea Historic Area at Massey University |
| Scale and significance of the change | <ul style="list-style-type: none"> The amendment to policy 4.1 is a change of wording to better describe the context for the oval. This will not have effects on the day to day maintenance of the oval or interested parties. The amendment to policy 4.1 is a minor change, therefore the overall scale and significance of this decision is low. |
| Alternative options | <ul style="list-style-type: none"> Option one: Make no changes Option two: Accept the proposed amendment. |
| Costs and Benefits | <ul style="list-style-type: none"> Not applicable due to minor nature of the change. |

The following provides an overview of section 32 under the following sub-headings:

Requirements to improve quality of information analysis

- 5.6 PPCJ is supported by a Heritage Assessment report which has already been detailed within this report. No further technical evidence needs to be commissioned to respond to submissions.

Evaluation of Objectives

- 5.7 PPCJ adds one new Objective to Section 19: Institutional Zone
- 5.8 New Objective 4 in Section 19: Institutional Zone seeks to establish a framework to recognise and protect the values of the proposed Turitea Historic Area. Objective 4, reads as follows:

Objective 4

To recognise and protect the historic values of the Turitea Historic Area at Massey University.

5.9 Objective 4 is supported by four separate policies, as follows:

Policies

4.1 *To maintain and enhance the historic heritage values, quality and character within the Turitea Historic Area recognising the following values:*

- | | |
|-------------------------|--|
| <i>Historic Value</i> | <ul style="list-style-type: none"> • <i>Area was the heart of campus from outset and served many generations</i> • <i>Place for informal recreation</i> |
| <i>Social Value</i> | <ul style="list-style-type: none"> • <i>Village green – social and cultural activities and natural gathering place</i> • <i>Open space addressed by buildings on perimeter with views of village green</i> |
| <i>Aesthetic Value</i> | <ul style="list-style-type: none"> • <i>Wide generous open space on northern edge of built environment of the Manawatū Campus</i> • <i>Flat ground surrounded by low scale buildings and mature trees</i> |
| <i>Scientific Value</i> | <ul style="list-style-type: none"> • <i>Distinct botanical/scientific value of mature trees and valuable teaching resource</i> |
| <i>Use value</i> | <ul style="list-style-type: none"> • <i>The Massey Oval has remained an open space used for a variety of recreational and social purposes</i> • <i>The area has an important historical and ongoing use value in the educational role that the botanical plantings have.</i> |
| <i>Contextual Value</i> | <ul style="list-style-type: none"> • <i>Rare planned open space for informal yet functional use</i> • <i>High level of authenticity for the original design intention has been retained over time.</i> |

4.2 *To enable building maintenance and development within the Turitea Historic Area that does not detract from the historic character of surrounding buildings, mature trees, and the defined edges of the Massey Oval.*

4.3 *To retain the open space character of the Massey Oval*

4.4 *To recognise the contribution that buildings, structures, spaces and other features provide to the values of the Turitea Historic Area.*

5.10 The planning provisions associated with Objective 4 provides an efficient and effective means of providing recognition, enhancement and protection in the Turitea Historic Area, while avoiding or mitigating the potential adverse effects associated with day to day maintenance operations; including reverse-sensitivity effects. Objective 4 and its supporting policies also give effect to the Regional Policy Statement, in particular, Objective 6-3: Historic heritage – to protect historic heritage from activities that would significantly reduce heritage qualities and Policy 6-11 Historic heritage and Policy 6-12: Historic heritage identification.

Identification of alternatives

- 5.11 The PPCJ limited notification material includes an evaluation of reasonably practicable options for achieving the objectives and associated policies. One submission challenged Policy 4.1, as a result, changes are proposed to Policy 4.1 of Section 19: Institutional Zone, to better enable the recognition of the site in a university context.

Benefits and costs

- 5.12 The direction at section 32(2)(b) to “if practicable, quantify the benefits and costs” infers some quantification if quantification can be achieved. The “if practicable” qualification is recognition of the reality that quantification is not always possible because there are limitations to the assignment of metrics to effects that can otherwise properly be described as “costs” or “benefits”.
- 5.13 I consider that the proposed plan change will result in significant community and heritage benefits while ensuring the day to day maintenance of the buildings that front the oval continues without adverse effects (costs) on the university.
- 5.14 Overall, I consider the costs and benefits of the proposed plan change are considered acceptable.

Decisions and further evaluations

- 5.15 No further evaluations reports are required for changes or proposed changes since the evaluation report was completed.
- 5.16 I am satisfied that the issues raised in submissions have been thoroughly addressed and appropriately evaluated.

Level of Detail Corresponds to Scale and Significance of Anticipated Effects

- 5.17 The approach to the section 32 evaluation and subsequent recommendations on submissions represents a rigorous process of consultation and policy development. The Heritage Assessment report and evidence underpinning PPCJ provide a comprehensive response to address the resource management issues relevant to the proposed Turitea Historic Area.
- 5.18 Sitting behind the Heritage Assessment Report informing the development of PPCJ is several strategic policy documents that have informed the broader approach taken i.e. the Palmerston North City Council’s Arts and Heritage Strategic Plan 2021.
- 5.19 I am comfortable the planning evaluation, Heritage Assessment Report and wider strategic considerations have ensured the level of detail informing PPCJ is sufficient to meet the requirements of section 32.

The Risk of Acting or Not Acting

- 5.20 I consider there is sufficient information relating to the subject matter to make a decision. PPCJ has been informed by a comprehensive Heritage Assessment report. It is also supported by various high-order planning documents.

- 5.21 Not acting would inhibit the Council’s ability to meet ‘Goal 2 – A creative and exciting city’ and give effect to the actions outlined in the Arts and Heritage Strategic Plan 2021. While PPCJ is a discrete plan change, it is nonetheless contributing to protecting and celebrating the City’s historic heritage. It is also important to note that PPCJ is a unique opportunity, as it is not common for requests supporting the protection of the City’s historic heritage to come via a plan change.

Alignment with the Plan Objectives

- 5.22 In conclusion the integrated package of policies and performance standards, including the minor amendment, are the most appropriate option to achieve the objectives of PPCJ.

Section 74 – Matters to be considered by a Territorial Authority

- 5.23 When preparing or changing a District Plan, section 74(2) of the RMA requires the Council to have regard to any management plans and strategies prepared under other Acts. Council has a goal and a strategy (arts and heritage plan), developed under the Local Government Act, that is relevant to PPCJ. A summary of how this strategy and goal has informed PPCJ is included in section 1.

Section 75 – Consistency with Regional Planning Policies

- 5.24 Section 75(3) of the RMA requires that a District Plan must give effect to any regional policy statement. In this regard, the Act requires the District Plan to give effect to the One Plan. Relevant provisions of the One Plan informed the preparation of PPCJ as detailed in the s32 planning report.

Other Matters

- 5.25 PPCJ was developed in conjunction with the RMA consultation process, allowing opportunities for iwi and interested parties to have input into the development of the Plan Change.
- 5.26 The extent and nature of consultation is consistent with the consultation requirements of the Resource Management Act 1991.

6. Purpose and Principles of the RMA

- 6.1 As a final matter to consider, regard should be given as to whether the proposed Plan Change is consistent with the purpose and principles of the Resource Management Act 1991, as set out in Part II of the Act.

Section 5 – Purpose

- 6.2 As set out in section 5 of the Act:

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources*
- (2) *In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –*

- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) *safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

6.3 The scope of the statutory obligations contained within part 2 of the Act extends beyond the sole consideration of the management and control of the effects of activities. The purpose of PPCJ is to ensure the protection, enhancement and recognition of the proposed Massey University Turitea Historic Area. This purpose and the associated objectives and policies are founded on a statutory obligation to manage the use and development of physical resources in a way that sustains the potential of resources to meet the reasonably foreseeable social, economic and cultural wellbeing needs of future generations while managing environmental effects. PPCJ has sought to achieve this by enabling the site to continue to be used for its day to day Institutional purposes, thereby enabling continued use of functional existing physical resources, while also enabling additional protection of the site for future generations. On this basis, PPCJ is considered consistent with promoting the purpose of the Act.

Section 6 – Matters of National Importance

6.4 I consider that the following subsections of s6 of the Act are relevant to PPCJ:

- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*

6.5 I consider PPCJ proposals are consistent with s6 (b) and (f) of the Act. The plan change recognises the number of natural features within the oval such as mature trees of botanical value and the wide-open space. PPCJ aligns with subsection b as it protects the oval as an outstanding natural feature from inappropriate subdivision, use and development. As outlined in the Heritage Assessment report, the Turitea Historic Area was an integral part of Massey University and its founding contributing to the City's historic heritage. PPCJ aligns with subsection f as it protects the historic heritage of the Turitea Historic Area from inappropriate subdivision, use and development.

Section 7 – Other Matters

6.6 The following section 7 matters are relevant:

- (b) the efficient use and development of natural and physical resources.*
- (c) the maintenance and enhancement of amenity values.*
- (f) maintenance and enhancement of the quality of the environment.*

6.7 The proposed regulatory framework of PPCJ allows the Council to assess proposals against these matters through methods such as:

- a. To maintain and enhance the historic heritage values, quality and character within the Turitea Historic Area
- b. To enable building maintenance and development within the Turitea Historic Area that does not detract from the historic character of surrounding buildings, mature trees, and the defined edges of the Massey Oval.

- c. To retain the open space character of the Massey Oval.
- d. To recognise the contribution that buildings, structures, spaces and other features provide to the values of the Turitea Historic Area.

PPCJ is therefore considered to have particular regard to these matters, as required by Section 7 of the Act.

Section 8 – Treaty of Waitangi

- 6.8 Section 8 requires that the Principles of the Treaty of Waitangi shall be taken into account in relation to managing the use, development and protection of natural and physical resources.
- 6.9 Massey University consulted with tangata whenua throughout the preparation of PPCJ. An email was sent to a Rangitāne o Manawatū representative on the 7th April 2021 outlining the heritage report and explaining Massey University’s wish to undertake a plan change to protect the Oval area. The email included the draft provisions of the plan change. The feedback and changes as a result of this consultation can be found in section 6.4.3 of the S32 analysis.

PNCC notified (limited) Rangitāne o Manawatū during the submission period. Rangitāne o Manawatū did not make a submission but emailed PNCC on another matter regarding incorporation of Rangitāne o Manawatū iwi historical sites on Massey grounds into another plan change.

7. Conclusion & Recommendation

Conclusion

- 7.1 In my assessment of PPCJ, having regard to the submissions received, and drawing on the technical analysis of the experts in Heritage, I am satisfied that, subject to a minor amendment being made, the Plan Change is the most appropriate means of sustainably managing the physical resources of the subject area. The Plan Change is consistent with the wider resource management approach of the Operative District Plan and the Sectional District Plan review process, and with the purpose and principles of the Act.
- 7.2 I have included the recommended changes in **Appendix B: Proposed District Plan provisions as amended as a result of submissions** and my recommendation to accept or reject the decisions requested in submissions in **Appendix A: Summary table of submissions**

Recommendation

- 7.3 Accordingly, for the reasons set out above, I recommend that PPCJ be approved. The recommended amendments are shown in the suite of District Plan provisions in **Appendix B: Proposed District Plan provisions as amended as a result of submissions** and the signed joint witness statement in **Appendix C: Signed Joint Witness Statement** which support PPCJ.



Tara Lennard

Planner

Palmerston North City Council

5th September 2022

Appendix A: Summary table of submissions

| Submission point Number | Plan Provision | Support/oppose | Reasons | Decision Requested | Relevant s42A Section | Planners Recommended Decision |
|---|----------------|-------------------------|---|---|-----------------------|-------------------------------|
| S1 – Palmerston North Defence Heritage Advisory Group | | | | | | |
| S1/1 | All | Support | Supports plan change in its entirety. Interested in including military heritage connections to the plan change area due to the military heritage associated with the area. Suggests that placemaking, wayfinding and signage be included to show military heritage connections. | Accept the proposed plan change. | 4.3 | Accept |
| S2 – Massey University | | | | | | |
| S2/1 | All | Support | Supports the plan change in its entirety. The proposed plan change responds to the recommendations outlined in the heritage assessment. | Accept the proposed plan change. | Entire report | Accept |
| S2/2 | All | Support | Approve for adoption without any changes to the provision as proposed. | If any changes are requested by other submitters, Massey University would like to review them and provide advice on how changes would affect day to day maintenance of the oval, including any impact they may have on protection and enhancement. | Entire report | Accept |
| S3 – Heritage New Zealand Pouhere Taonga | | | | | | |
| S3/1 | All | Support | HNZPT is very supportive of the plan change as it provides for appropriate recognition and protection of the oval as a historic area. | Accept the proposed plan change | 4.7 | Accept |
| S3/2 | All | Support with amendments | That the plan change be amended to add contextual understanding of the oval as rare within university settings and recognise that seismic strengthening is better categorised as alteration rather than maintenance and repair. | As outlined in submission, make the following amendments: <ul style="list-style-type: none"> • Policy 4.1: <i>contextual value – rare planned open space...</i> to Rare planned open space in a university context for informal yet functional use • 19.4.4 Permitted activities 4. <i>Maintenance and repair of existing buildings...</i> to Maintenance and repair of existing buildings, including seismic strengthening except where this alters the elevations that front the Massey Oval. • 19.4.4 Performance standards (d) iii: <i>External maintenance and repair including seismic strengthening ...</i> to (d) iii External maintenance and repair, including seismic strengthening, where the strengthening work does not result in any existing openings (doors or windows) being obstructed. <p>e) In relation to external or internal alterations to buildings, including seismic strengthening, the strengthening work does not result in any existing openings</p> | 4.10 | Accept in part. |

| | | | | | | |
|--|--|--|--|--------------------------------------|--|--|
| | | | | (doors or windows) being obstructed. | | |
|--|--|--|--|--------------------------------------|--|--|

Further Submissions:

| Massey University | | | | | |
|---|-----------------|---|---|------|--------|
| Original Submission point number that it relates to | Support/ Oppose | Reasons | Decision Requested. | | |
| S1/1 | Support | Massey supports the submission made by the Palmerston North Heritage Advisory Groups submission. The proposed plan change provides for signage and information boards as a permitted activity. | None. | 4.3 | Accept |
| S3/2 | Support in Part | Massey agrees that 'in a university context' should be added to Policy 4.1. | Make changes suggested by Heritage New Zealand to Policy 4.1 | 4.7 | Accept |
| S3/2 | Support in Part | Massey does not support the other changes outlined in Heritage New Zealand's submission. Seismic strengthening is considered to be a part of maintaining and repairing buildings and not a change to a building's frontage. Massey disagrees with deleting performance standard (d)iii as it ensures external maintenance and repair does not obstruct existing openings (doors and windows) which contributes to the area's historic values. | Reject the suggested amendments to 19.4.4 and the removal of performance standard (d)iii. | 4.10 | Accept |

Appendix B: Proposed District Plan provisions as amended as a result of submissions for PPCJ.

Amendments are in red

Proposed Provisions for Turitea Historic Area – to be included in Section 19: Institutional Zone August 2022

OBJECTIVE 4

To recognise and protect the historic heritage values of the Turitea Historic Area at Massey University.

POLICIES

- 4.1 To maintain and enhance the historic heritage values, quality and character within the Turitea Historic Area recognising the following values:
- | | |
|------------------|--|
| Historic Value | <ul style="list-style-type: none"> • Area was the heart of campus from outset and served many generations • Place for informal recreation |
| Social Value | <ul style="list-style-type: none"> • Village green – social and cultural activities and natural gathering place • Open space addressed by buildings on perimeter with views of village green |
| Aesthetic Value | <ul style="list-style-type: none"> • Wide generous open space on northern edge of built environment of Turitea Campus • Flat ground surrounded by low scale buildings and mature trees |
| Scientific Value | <ul style="list-style-type: none"> • Distinct botanical/ scientific value of mature trees and valuable teaching resource |
| Use value | <ul style="list-style-type: none"> • The Massey Oval has remained an open space used for a variety of recreational and social purposes • The area has an important historical and ongoing use value in the educational role that the botanical plantings have. |
| Contextual Value | <ul style="list-style-type: none"> • Rare planned open space <u>in a university context</u> for informal yet functional use • High level of authenticity for the original design intention has been retained over time. |
- 4.2 To enable building maintenance and development within the Turitea Historic Area that does not detract from the historic character of surrounding buildings, mature trees, and the defined edges of the Massey Oval.
- 4.3 To retain the open space character of the Massey Oval.
- 4.4 To recognise the contribution that buildings, structures, spaces and other features provide to the values of the Turitea Historic Area.

19.4 Rules: Permitted Activities

19.4.4 PERMITTED ACTIVITIES IN THE TURITEA HISTORIC AREA

The following activities are Permitted Activities within the Turitea Historic Area provided they comply with the following performance standards below:

1. Landscaping and maintenance of vegetation
2. Maintenance and replacement of existing paths
3. Signage and Information Boards explaining the heritage of the Massey Oval
4. Maintenance and repair of existing buildings, including seismic strengthening except where this alters the elevations that front the Massey Oval
5. Maintenance and upgrade of existing in ground infrastructure
6. Lighting to highlight buildings and or trees
7. Temporary activities associated with the functioning of Massey University
8. Retention and upgrading of the existing cricket pitch within the Massey Oval
9. Trimming and replacement of existing trees, particularly where needed to protect human health and safety.
10. External alterations to buildings including seismic strengthening where these are not visible from the Massey Oval.
11. Internal alterations to buildings.

Performance standards:

- (a) **No planting within the Massey Oval as shown on Map 19.1, except for regeneration planting within the existing woodland copse footprint to the east of the Massey Oval.**
- (b) **Maintenance and replacement of existing paths must be in the same location, except where a path is realigned to follow the outline of the existing Massey Oval area.**
- (c) **Contours within the Turitea Historic Area must be shaped by earth - worked forms not retaining walls.**
- (d) **In relation to the external maintenance and repair of existing buildings:**
 - i. The materials used and the design of any replacement building components are the same or closely similar to those being repaired or replaced, or those that were in place originally, except that existing wooden windows can be modified for double glazing or replaced with new wooden double glazed sashes.
 - ii. Where a feature on an elevation is replaced, the replacement feature must appear exactly the same as the feature being replaced, when viewed from the Massey Oval.
 - iii. External maintenance and repair, including seismic strengthening, where the strengthening work does not result in any existing openings (doors or windows) being obstructed.

Guidance Note

The provisions of Section 17: Cultural and natural heritage may also apply to those buildings identified within the District Plan.

19.6 Rules: Restricted Discretionary Activities

R19.6.4 ACTIVITIES IN THE TURITEA HISTORIC AREA

The following activities are Restricted Discretionary Activities provided that they comply with the performance standards listed below:

1. Construction of new built features, sculptures or buildings within the Turitea Historic Area.

2. External alterations, including seismic strengthening, to the Refectory, McHardy Hall, Turitea building, old Registry, Sir Geoffrey Peren, and Business Studies West and Business Studies East buildings where these are visible from the Massey Oval.
3. Demolition of buildings within the Turitea Historic Area.
4. Tree planting within the Massey Oval outside the existing woodland corpse.
5. Retaining structures within or immediately adjacent to the Massey Oval.

Matters of Discretion:

For the above activities the Council has restricted its discretion to:

- The impact of the proposed building or other work on the heritage values identified for the Turitea Historic Area.

Performance Standards

- (a) Any new building must be aligned to face the Massey Oval.
- (b) The central section of any new building must come forward of the main form of the building similar to the Refectory and McHardy Hall to create a sense of symmetry.
- (c) No more than $\frac{1}{4}$ of the new building elevation can touch the defining edge of the Massey Oval. The balance of the building must be set back by at least 3m.
- (d) If touching the defined edge of the Massey Oval or within 5 metres of it, new buildings must be no more than 2 storeys high.
- (e) If set back by 5m from the edge of the Massey Oval, new buildings can be up to 3 storeys high, but no higher than the main form of Business Studies Central.

Assessment Criteria

- a. Whether the alteration or addition has adverse effects on the historic values of the Turitea Historic Area as listed in Policy 1.
- b. Whether the new building or external alterations has been designed in keeping with or complementing the historic character of the Turitea Historic Area and is not a pastiche of building styles seen around the Massey Oval.

Non-Notification:

Applications made for restricted discretionary consent applications under **R19.6.4** must not be publicly or limited notified.

Map 19.1: Turitea Historic Area



Red line – Massey Oval

Pink line – Extent of Turitea Historic Area

Appendix C: Signed Joint Witness Statement

BEFORE PALMERSTON NORTH CITY COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND IN THE MATTER OF Plan Change J, a Plan Change
proposed by Palmerston North City
Council

**JOINT WITNESS STATEMENT OF PLANNING WITNESSES IN RESPONSE
TO PPCJ – TARA LENNARD, ANDREA HARRIS AND DEAN RAYMOND**

Dated: 31/08/2022

STATEMENT OF

Introduction

This signed statement is written in response to Proposed Plan Change J: Massey University Turitea Historic Area and submissions made by Massey University and Heritage New Zealand.

Process and Joint Recommendation

1. Since the limited notification of PPCJ along with the submission and further submission process, we (Tara Lenard, Andrea Harris and Dean Raymond) have engaged informally in a series of communications in person, virtually and by email regarding the appropriate provisions for Plan Change J.
2. A pre-hearing meeting was held on 19/05/2022 virtually with representatives from Massey University and a representative from Heritage New Zealand Pouhere Taonga (HNZPT) to discuss matters of contention.
3. The first matter of contention was whether Proposed Rule 19.4.4 for seismic strengthening was considered an alteration to the building or maintenance and repair as it does not change a buildings frontage. Dean Raymond of HNZPT classed it as alteration to a building and the representatives from Massey classed it as maintenance and repair. After discussions with all parties, it has been resolved that Rule 19.4.4 will remain as maintenance and repair (see Appendix B).
4. The second matter of contention was regarding deleting proposed 'performance standard (d) iii External maintenance and repair, including seismic strengthening, where the strengthening work does not result in any existing openings (doors or windows) being obstructed' outlined in HNZPT's submission. Massey would like to keep performance standard (d) iii to ensure external maintenance and repair does not obstruct existing openings (doors and windows).
5. The result of the pre-hearing meeting was Dean Raymond from HNZPT would discuss this matter with the HNZPT built specialist team. These matters were resolved on 27/05/2022 via follow up email from Dean Raymond from HNZPT who advised that he could support the retention of performance standard 19.4.4 (d) iii. Tara Lennard is also supportive of this.

Further recommendation

- 6 We agree that a minor amendment be made to provision 4.1 'Contextual Value' to recognise the area in a university context so that it reads as follows:

4.1 Rare planned open space in a university context for informal yet functional use

We jointly consider that PPCJ does not need to go to a hearing as all parties have come to an agreement regarding the proposed provisions.

Dated: 31/08/2022

Dean Raymond, Heritage New Zealand Pouhere Taonga.



Expert Planning Witness for Heritage New Zealand Pouhere Taonga.



Tara Lennard, Palmerston North City Council

Expert Planning Witness for the Palmerston North City Council



Andrea Harris, WSP

Expert Planning Witness on behalf of Massey University

Appendix 1: Heritage Assessment Report 2019: Cochran and Murray, Conservation Architects., Micheal Kelly, Heritage Consultant and Sarah Poff, Landscape Architect.

Appendix 2: D P Section 19 Institutional Zone Amendments PPCJ

