

**Report on an application for resource consent LUC22/0115
under Section 88 of the Resource Management Act 1991**



TO: Resource Consent Hearings Commissioners

FROM: Lauren Wright

DATE: 18/11/22

NOTE: This report sets out the advice of the reporting planner. This report has yet to be considered by the Panel of Commissioners delegated by the Council to determine this application. The recommendation is not the decision on this application. A decision will only be made after the Commissioners have considered the application and heard the applicant and any submitters who wish to be heard.

1.0 APPLICATION DESCRIPTION

1.1 Application and Property Details

Application number(s):	LUC22/0115
Reporting officer:	Lauren Wright
Site address:	Open Space A, Baring Square East/Baring Square West
Applicant's name:	Ashburton District Council
Lodgement date:	10 October 2022
Notification date:	13 October 2022
Submissions closed date:	14 November 2022
Number of submissions received:	0 in support. 1 neutral. 0 opposing.

1.2 Locality Plan



Figure 1. Current location of the Cenotaph in Baring Square East marked in blue, proposed relocation site in Baring Square West marked in orange

1.3 Application Documents (Plans and Reference Documents)

The list of application documents and plans is set out in Appendix 1 of this report.

1.4 Adequacy of Information

It is considered that the information submitted by the applicant is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- a) The nature and scope of the proposed activity as it relates to the Ashburton District Plan
- b) Heritage New Zealand Pouhere Taonga Act 2014 and ICOMOS New Zealand Charter 2010
- c) The extent and scale of any adverse effects on the environment
- d) Persons/Organisations who may be adversely affected

2.0 EXECUTIVE SUMMARY

The Ashburton District Council Commercial Property Team has applied for resource consent to relocate the South African (Anglo-Boer) War Cenotaph from Baring Square East to Baring Square West as part of their wider 'Civic Centre' redevelopment project. This proposal requires resource consent under Sections 12.7.4 and 6.8.5 of the District Plan as the Cenotaph (H107) is classified as a *Group B* Heritage Item and the intended relocation site, Baring Square West, is zoned Open Space A.

The writer considers the dominance of the existing WWI/WWII memorial and flagpoles to differentiate the Baring Square West Open Space A zone as a commemorative space for the community. Able to maintain the open character of both sites and improve the structural integrity of the heritage item, the relocation of the Cenotaph to Baring Square West is considered consistent with the relevant objectives and policies of the District Plan.

Noting that the Cenotaph will be relocated without delay, under the supervision of a suitably qualified heritage expert and will remain easily accessible to the public, 150m from its current location, the effects of this proposal have been assessed as being less than minor. It is the writer's recommendation is that this application for resource consent be granted subject to conditions.

3.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

3.1 Proposal

Resource consent is sought to relocate the South African (Anglo-Boer) War Cenotaph from Baring Square East to Baring Square West. This proposal requires resource consent under Sections 12.7.4 and 6.8.5 of the District Plan as the Cenotaph (H107) is classified as a *Group B* Heritage Item and the intended relocation site, Baring Square West, is zoned Open Space A. The Applicant considers the relocation of the Cenotaph necessary to protect the structure from damage during the redevelopment of Baring Square East and subsequent community events intended to be held on site.

The Cenotaph is not included on the New Zealand Heritage List Rārangi Kōrero, nor is it protected as an archaeological site under the Heritage New Zealand Pouhere Taonga Act 2014. Potential archaeological implications as a result of earthworks are considered relevant due to both the current and relocation sites having been associated with human activity prior to 1900.

The methodology involved in relocating the Cenotaph has been described in detail within the application (Appendix 1) and an excerpt is copied below:

- *Each stone section will be removed via Hiab lift.*
- *A lifting bracket will be used to spread the load weight from the base and strap the vertical sides in order to eliminate as much lifting stress as possible.*
- *Upon reconstruction they will core drill and stainless-steel pin between tiers.*
- *Each section will be levelled & spaced for joints using stainless steel packing washers (traditionally this would have been lead).*
- *The joints will be filled with grey sanded grout similar to existing.*
- *When all pieces have been relocated and installed, the monument will be cleaned.*
- *Minor historic chips will remain.*
- *The spray tag residue will be pulled forward using poultice & the face repolish finished as required.*

- *The base concrete & plaster plinth cannot be moved and will be replaced like for like in the new location.*
- *The first tier of natural stone is local basalt (bluestone), which has existing cracks & load fractures. A sufficiently sized rock has been sourced via Timaru Bluestone Industries to replace it and this will be processed to replicate the perimeter edge chisel detail.*

The Applicant intends for the deconstruction and relocation of the Cenotaph to occur in one stage, therefore avoiding the storage and staged reconstruction of the structure.



Figure 2. The Anglo-Boer War Cenotaph in the foreground with the Ashburton Clock Tower in the background



Figure 3. Artist's Impression of the Cenotaph in Baring Square West with existing Flagpole and WWI/WWII Memorial in the background

3.2 Site, Locality, Catchment and Environs Description

The 3m tall, red granite and basalt tiered Cenotaph is currently located on the roadside of Baring Square East, facing into the Square towards East Street. Originally erected in the centre of the Square in 1976, the Cenotaph was commissioned by the Ashburton public to commemorate the deaths of six local men who had lost their lives during the 1899-1902 Anglo-Boer War supporting the British war effort.

Baring Square East contains Heritage Items H109 (The Ashburton Clocktower) and H108 (John Grigg Statue), concrete archway arbours known locally as ‘the whalebones’, a water feature and various plantings. Baring Square West, situated on the western side of the railway and SH1, contains Heritage Item H106 (World War One and Two Memorial), two flag poles and some trees.

Both Squares are zoned Open Space A under the District Plan which is intended to provide areas for people to undertake passive activities such as walking within close proximity of their place of residence. The enhancement of visual amenity is of importance within this zone and minimal built structures are anticipated.

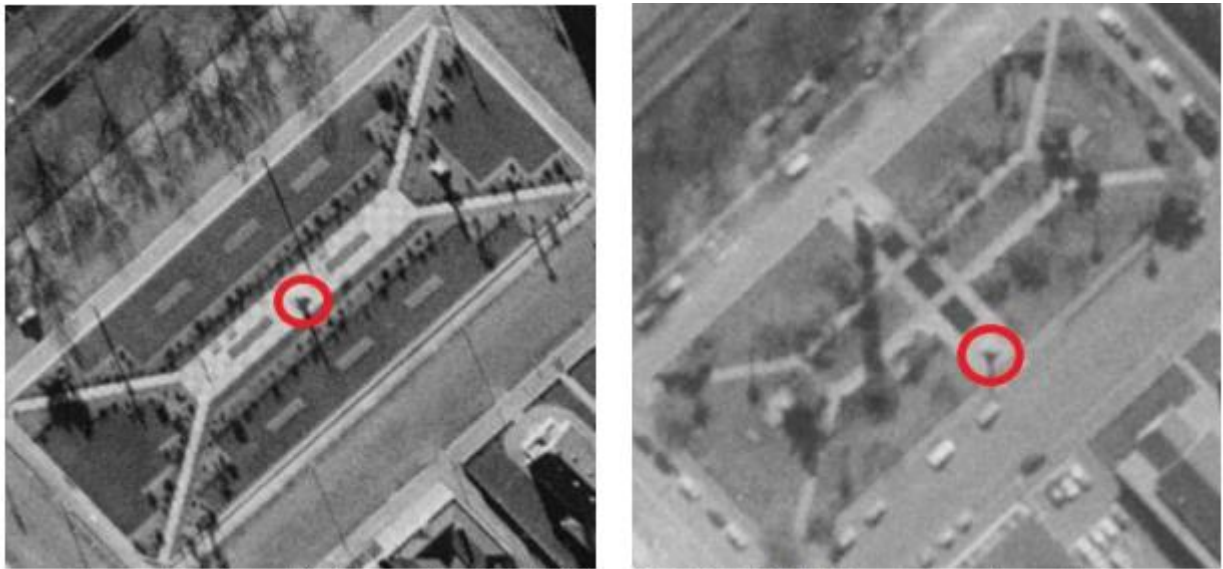


Figure 4. Historic Aerial imagery of Baring Square East in 1940-44(left) and 1980-84 (right) after the Cenotaph's first relocation (Cenotaph circled in red)



Figure 5. Aerial view of both Baring Square East and West, separated by SH1 and KiwiRail's Main South Line

4.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the following District Plan:

12.7.4 Discretionary Activities – Heritage Buildings

The following activities shall be Discretionary Activities, provided they comply with any specified standards:

b) The relocation of a Group B listed heritage building / item to another location within the property or to another property.

The South African (Anglo-Boer) War Cenotaph is classified as a Group B Heritage Item as Heritage Building H107 in Appendix 12-1 of the District Plan.

6.8.5 Non-Complying Activities – Open Space A Zone

This rule specifies that any activity which is not otherwise listed as a Prohibited, Permitted or Restricted Discretionary Activity shall be a Non-Complying Activity.

The Ashburton District Plan describes the Open Space A Zone as follows:

6.3.1 Open Space A Zone

The Open Space A Zone is intended to provide for areas such as neighbourhood reserves, and the Ashburton Domain. These areas provide relief from the built environment and a space for people to undertake passive activities such as walking within close proximity of their place of residence. The zone also includes the range of green strips of land which are valued for their contribution to landscaping for example the central area within Ashburton (Kapuka).

Activities within the zone are strictly controlled to ensure limited building development occurs and the openness of the area is retained. The enhancement of visual amenity is of importance within the zone, in particular where it is directly visible from the main thoroughfares through Ashburton (State Highway 1, the Main Trunk Railway and East Street) and Rakaia (State Highway 1). This also provides a visual relief to the building developments established in Business Zones along East Street and State Highway 1.

4.1 Status of the Application

Overall, the application is a Non-Complying Activity.

5.0 NOTIFICATION AND SUBMISSIONS

5.1 Notification

The application was publicly notified on October 13th, 2022, at the request of the Applicant in accordance with s95A(2)(b) of the RMA 1991.

5.2 Submissions

At the close of the submission period, one submission was received and no submissions were received after the closing date of submissions.

A total of zero submissions supported the application, zero opposed the application and one submission was neutral.

A summary of the issues raised in submissions together with the relief sought by the submitters is set out as follows:

Name	Address & Heard at Hearing	Submission Points	Relief Sought
Historic Places Mid Canterbury	6 Westpark Close, Ashburton. Does not wish to be heard.	<ol style="list-style-type: none">1. Preference for Cenotaph to remain in situ.2. Reinstatement works should take place without delay and preserve mana of the memorial.3. All costs involved should be confirmed & approved by Council prior to works commencing.	<p>Conditions of consent to ensure that the Cenotaph relocation does not compromise the mana of the existing Cenotaph and its setting.</p> <p>Relocation and reconstruction to be carried out within three months of deconstruction.</p>

Please note that this table is only a summary of the key issues raised in the submission. Please refer to the full submission as required. This is attached in Appendix 3 to this report.

5.3 Written Approvals

The Applicant has not obtained formal written approval from any persons however, it is noted that the assessment of environmental effects suggests that generally productive, pre-application, discussions were held with the following parties:

- Ashburton Returned and Services Association
- New Zealand Remembrance Army
- Heritage New Zealand Pouhere Taonga
- Historic Places Mid Canterbury

It is noted that no affected party approvals were provided in support of the application and that one of those identified parties subsequently made a formal submission.

5.4 Amendments to the Application following Notification

It is noted that the Applicant has discussed proposed draft conditions to address the concerns of the submitter following the close of the submission period. Draft conditions were then submitted to the Processing Officer by the Applicant. It is considered that the information falls within the scope of the original application and therefore re-notification of the application was not required.

6.0 CONSIDERATION OF APPLICATION

6.1 Statutory Considerations

When considering an application for a non-complying activity the consent authority must have regard to Part 2 of the RMA (“Purposes and Principles” – sections 5 to 8), and sections 104, 104B, 104D, and where relevant sections and 108 of the RMA.

Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received a council must, in accordance with s104(1) of the RMA have regard to:

- any actual and potential effects on the environment of allowing the activity;
- any relevant provisions of a NES, regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application

Under s104B a consent authority may grant or refuse consent for a discretionary activity or non-complying activity and, if it grants the application, may impose conditions under s108 of the RMA.

Section 104D sets out the ‘threshold test’ for non-complying activities. A consent authority may only grant consent to a non-complying activity if it is satisfied that the adverse effects on the environment are minor, or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan. If either of the limbs of the test has been passed then the application is able to be considered for approval subject to consideration under s104 of the RMA.

Section 108 provides for consent to be granted subject to conditions and sets out the kind of conditions that may be imposed.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. S5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of s5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA’s use of the terms “*use, development and protection*” are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, while sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations, safeguarding the life-supporting capacity of air, water, soil and ecosystems, and avoiding, remedying and mitigating any adverse effects of activities on the environment. The enabling and management functions found in s5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in s5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for. None of the matters of national importance have particular relevance to this application.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally. In the case of this particular proposal the maintenance and enhancement of amenity values and the quality of the environment and the efficient use and development of natural and physical resources are relevant.

Relevant matters are considered in the evaluation section of this report.

Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. This section of the RMA recognises the relationship of Tangata Whenua with natural and physical resources and encourages active participation and consultation with Tangata Whenua. Any relevant matters are considered in the evaluation section of this report.

6.2 Section 104(1)(a) Actual and Potential Effects on the Environment

6.2.1 Effects that must be disregarded

A. Any effect on a person who has given written approval to the application

Pursuant to section 104(3)(a)(ii), when forming an opinion for the purposes of section 104D1)(a) a council must not have regard to any effect on a person who has given written approval to the proposal.

No written approvals have been provided.

6.2.2 Effects that may be disregarded – Permitted Baseline assessment

The permitted baseline refers to permitted activities on the subject site. In consideration of what activities could be undertaken as of right, buildings limited to playground equipment could be established in the Baring Square West Open Space A Zone and the general repair and maintenance of the Heritage Building H107 could be carried out.

The above constitutes the permitted baseline and these adverse effects may be discounted as the level of adverse effect arising from those permitted activities is deemed to be acceptable. It is only any other or further adverse effects arising from the proposal over and above the permitted baseline which are to be assessed.

6.2.3 Assessment of Effects

Having regard to the above and after analysis of the application, undertaking a site visit and reviewing the submission received, the following effects that require specific consideration in respect to this application have been identified:

Heritage Value of the Cenotaph

The writer agrees with the findings of the Heritage Impact Assessment, prepared by Arlene Baird of Era NZ Ltd. (included as Appendix 2). It is considered that the Cenotaph will be able to “*play an equal commemorative role on the relocated site, as it does on the existing site*”. The new positioning of the Cenotaph alongside the existing WWI/WWII Memorial is deemed to be suitable given that Baring Square West is an Open Space A zoned site that has already been established as a commemorative space for the community. The second relocation of the Cenotaph since its establishment is not expected to diminish the value nor importance of the monument. The proximity (~150m) to its original siting is thought to ensure the Cenotaph is easily accessible to those who visit/appreciate it in its current position.

It is appreciated that some base materials (specifically concrete, plaster and basalt) will need to be replaced during the deconstruction/recommissioning of the structure and that the expertise of a stonemason have been sought by the Applicant in relation to this. It is considered that replacing “like-for-like”, will ensure the general appearance of the Cenotaph is preserved and that the elements to be replaced do not include the four tiers of polished and inscribed red granite. It is accepted that the replacement of components of the Cenotaph are considered necessary due to existing cracks and load fractures and not for any superficial/financial reason.

The Applicant’s preparedness to undertake the deconstruction and relocation works in one stage is considered respectful and should avoid further risk of damage to the structure during storage. The suggested Accidental Discovery Protocol as a condition of consent shall appropriately address any archaeological findings in either location. It is considered that temporary signage around the deconstruction works site may serve well to avoid public confusion as to the works being undertaken.

Amenity/Character of the Open Space A Zones

It is considered by the writer that the addition of the Anglo-Boer War Cenotaph will not detract from the open space character of Baring Square West. The chosen siting for the Cenotaph would set the structure back more than 5m from the Cameron Street boundary and have a minimal impact on the proportion of impervious surface onsite due to the existing, paved, walkway.

It is considered that the loss of the Cenotaph on Baring Square East should be softened by the repurposing of the site within the Civic Centre redevelopment rather than leaving behind a void. It is appreciated that the purpose of the relocation is to better aide in the provision of community events within Baring Square East and avoid possible damage to the structure.

Earthworks

It is recognised that temporary earthworks effects relating to noise and dust are likely to arise from the proposed excavation works when preparing the foundations of the Cenotaph. The proposed works are not considered to be of a large enough scale so as to be a nuisance beyond the boundary of the site and it is noted that no submissions in opposition to the associated earthworks have been received by Council. The Works Plan to be submitted and approved by the District Planning Manager as proposed by the Applicant will ensure that the effects of the activity are mitigated.

In summary, having assessed the effects of the activity on the environment, I consider that the the relocation of the Cenotaph from Baring Square East to Baring Square West activity will overall have a minor adverse effect on the environment.

6.3 Section 104(1)(b)(i) and (ii) Relevant Provisions of National Environmental Standards and Other Regulations

There are no NES or other regulations in effect that apply to this application.

6.4 Section 104(1)(b)(iii) Relevant Provisions of National Policy Statements

There are no National Policy Statements relevant to this application.

6.5 Section 104(1)(b)(iv) Relevant Provisions of the New Zealand Coastal Policy Statement (NZCPS)

The NZCPS is not applicable to this application.

6.6 Section 104(1)(b)(v) Relevant Provisions of the Canterbury Regional Policy Statement

The Canterbury Regional Policy Statement ("**CRPS**") is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Canterbury region. This document became operative in 2013.

The strategic objectives and policies of the CRPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources.

The relevant provisions of the CRPS have been considered and it is concluded the proposal is consistent with the CRPS. The following CRPS objectives and policy are relevant to this application:

13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas

Objective 13.2.1: Territorial authorities will: Set out objectives and policies and may include methods that provide for the recognition and protection of significant historic heritage items, places or areas, outside of the coastal marine area, that meet the criteria set out in Policy 13.3.1(1) - (4).

Should: Provide for the recognition and protection of historic heritage items, places or areas that are significant or important within their boundaries. When identifying historic sites, places or areas in district plans, have regard to sites registered in the New Zealand Archaeological Association (NZAA) Site Recording Scheme.

13.3.4 Appropriate management of historic buildings Recognise and provide for the social, economic and cultural well-being of people and communities by enabling appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings and their surrounds in a manner that is sensitive to their historic values.

Objective 13.2.1, Objective 13.2.3 Territorial authorities will: Set out objectives and policies, and may include methods that enable appropriate repair, rebuilding, upgrading, seismic strengthening and adaptive re-use of historic buildings in a manner that is sensitive to their historic values.

The relevant provisions of the CRPS have been considered and it is concluded the proposal is not contrary to the relevant objectives and policies set out by the CRPS. The relocation of the Cenotaph and replacement of the compromised base with similar materials by an experienced stonemason is considered appropriate repair/rebuilding sensitive to the historic value of the structure.

6.7 Section 104(1)(b)(vi) Relevant Provisions of the District Plan Objectives, Policies and Rules

6.7.1 Relevant Objectives and Policies

The following objectives and policies of the Ashburton Operative District Plan 2014 are considered relevant:

Objective 12.1: Historic Heritage

To protect significant historic heritage in the District, including historic buildings, places and areas, waahi tapu sites and areas and archaeological sites, from adverse effects of subdivision, land-use and development.

Policy 12.1C

To use methods and rules in the District Plan to protect historic heritage listed in the heritage schedule from adverse effects of land-use, subdivision and development.

The writer agrees with the Applicant's conclusion that the planned relocation of the Group B listed Heritage Item (Cenotaph) prior to works commencing on the Civic Centre redevelopment should protect the structure from accidental damage during construction and/or future community events held within Baring Square East. The writer is of the opinion that despite the second change in location for the Cenotaph since its unveiling, the historic, social and cultural values of the structure will remain. The Cenotaph will continue to be easily recognisable as a war memorial and the physical positioning of the structure in Baring Square West is not what gives the Cenotaph its value as a heritage item to the community.

Policy 12.1F

To promote public awareness and support for the conservation of historic heritage in the District.

The writer acknowledges the use of Baring Square West as a commemorative space that is used by the community during annual ANZAC Day service events and identified as a space to show respect and grieve for those who have served / lost their lives in overseas wars. The addition of the Anglo-Boer War Memorial in this location is considered to have the potential to increase awareness for those involved in this conflict and the respect Ashburton has given them since the Cenotaph was unveiled on the 17th of October 1903.

Objective 6.1: A Range of Public Open Spaces

A conveniently distributed and accessible range of public open spaces and recreational areas that meet the needs of residents.

Policy 6.1A

Develop, or facilitate the development of, a wide variety of open space types and recreation opportunities within the District, ranging from indoor facilities to neighbourhood, settlement and District reserves, in areas that are convenient and accessible for anticipated users.

Policy 6.2A

Manage open and recreational spaces within the District, in such a way as to reduce or avoid conflict between recreational activities and users and neighbouring occupiers.

Policy 6.2B

Ensure that buildings associated with activities on recreational areas do not unduly shade, obstruct sunlight or compromise privacy, outlook or views of surrounding activities.

Policy 6.2C

Control the extent of building and parking facilities on open space and recreation areas to ensure that an open and largely undeveloped character is retained, there is opportunity for tree and garden plantings and land remains available for recreational use.

Policy 6.2D

Ensure that the development and use of open space and recreational facilities does not affect the efficiency of the surrounding street network.

Policy 6.2F

Design open space and recreational areas to visually complement, or to improve the visual amenity of, the surrounding area.

The writer agrees with the Applicant's assertion that "the gathering of like features together will better facilitate the function of the space and the needs of the community". Locating the Anglo-Boer War Memorial alongside the Memorial for WWI and WWII is considered by the writer to be an effective way to consolidate the Baring Square West Open Space Zone as a commemorative landscape without detracting from the open character of the site nor affecting the surrounding street network.

The loss of the Cenotaph to Baring Square East is considered likely to be offset by planned enhancement by the Applicant through their Civic Centre redevelopment project. The two Open Space A Zones will continue to provide a variety of open, recreational spaces within Central Ashburton as the District Plan intended.

Objective 6.3: Community Needs for Open Spaces

Effective use and functioning of open space and recreational areas in meeting the needs of the community.

Policy 6.3B

Ascertain and incorporate the needs of communities by encouraging public participation in the design, development and management of public open space and recreational areas.

The writer acknowledges that this application was publicly notified on the 13th of October 2022 at the Applicant's request.

6.8 Section 104(1)(c): Any Other Matters Considered Relevant and Reasonably Necessary to Determine the Application

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matters are considered relevant:

Plan Integrity and Precedent

Given the non-complying activity status of the application, it is deemed appropriate to have regard to the issue of precedent as it effects the integrity of the District Plan. This is not a mandatory consideration and depends on the circumstance of the case.

It is noted that this Application:

- Relates to a one-of-a-kind Heritage building (Cenotaph) memorialising those local men whose lives were lost as part of the British war effort in the South African War.
- An Open Space A Zone (Baring Square West) that is already distinguished as a commemorative space for the community to receive the Cenotaph.
- An active and ongoing Civic Centre improvement project centred around the original site to benefit the wider community but that also has the potential to see accidental damage done to the structure.

It is considered that there are enough distinguishing characteristics so that this proposal is not easily replicated elsewhere in the District. Given this position, I consider that granting the application subject to conditions would not create a precedent for the relocation of other Heritage Buildings nor undermine the integrity of the District Plan.

6.8.1 Submissions

The submission received by Council in the processing of this application has been reviewed and considered in the overall assessment of effects in this report. The issues raised in the submission have been dealt with generally in the body of this report and the Applicant has had a chance to consider the Submitter's concerns and has since provided proposed conditions to mitigate these.

6.8.2 Monitoring

Monitoring will be required to ensure that the Cenotaph has been re-established in accordance with the approved plans and conditions of consent within the approved timeframe.

6.9 Section 104D Particular restrictions for Non-Complying Activities

Pursuant to s104D of the RMA if a proposal is a non-complying activity then it must pass at least one of the tests of either s104D(1)(a) or s104D(1)(b) before an application can be assessed to make a decision under s104B of the RMA. If the application fails both tests of s104D then the application must be declined.

It is considered that subject to appropriate conditions of consent, the proposal satisfies the threshold test of s104D because as demonstrated in section(s) 6.2 above of this report the adverse effects on the environment will be no more than minor and the proposal will not be contrary to the objectives and policies of the Operative Ashburton District Plan as concluded in section 6.7 above of this report. From the above section 104D assessment it can be concluded that the application meets both of the tests of s104D of the RMA. Therefore, the application can be assessed against the provisions of s104B of the RMA and a substantive decision made.

6.10 Consideration of Part 2 (Purpose and Principles) of the RMA

The purpose of the RMA under s5 is the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage.

Section 7 identifies a number of “other matters” to be given particular regard by a council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

Section 8 requires a council to take into account the principles of the Treaty of Waitangi.

Overall the application is considered to meet the relevant provisions of Part 2 of the RMA as the proposal achieves the purpose of the RMA being sustainable management of natural and physical resources.

6.11 Lapsing of Consent

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

6.12 Conclusion

Overall, it is considered that the proposal will have effects that are no more than minor. The proposal is deemed to be consistent with the relevant District Plan Objectives and Policies as well as Part 2 of the RMA when considering the pre-existing commemorative Baring Square West landscape and previous relocation of the Cenotaph within Baring Square East.

7.0 RECOMMENDATION AND CONDITIONS

7.1 Recommendation

7.2 The proposal is considered to be consistent with the relevant District Plan Objectives and Policies as well as Part 2 of the RMA. Under Section 108 of the RMA, this consent is subject to the following conditions:

CONDITIONS

1. The activity shall be carried out in accordance with the plans and all information submitted with the application, being:
 - The application form, assessment of effects and appendices prepared by Fletcher Consulting & Planning and dated October 2022.
2. The relocation of the memorial, including deconstruction and erection in the new location shall be supervised by a suitably qualified heritage expert.
3. A works plan, consistent with the methodology provided by the stonemason, shall be prepared for certification prior to the commencement of works and shall be submitted to Council for approval. It should, as a minimum, include:
 - Pre-start meeting requirements with contractors
 - Structural inspection prior to deconstruction or lifting
 - Methodology for deconstruction, relocation including transportation, and reconstruction
 - The methodology for removal of the existing concrete and plaster plinth
 - Protocols for on-site compliance and communication
 - General works sequence
 - Accidental Discovery Protocol
4. A photographic recording of the heritage item shall be undertaken before, during and after relocation and shall be provided to Council for their records.
5. The deconstruction, relocation and reconstruction shall be undertaken as one stage without the need for storage of the heritage item.
6. If accidental damage or reduced condition occurs to the memorial as a result of the proposed works, the consent holder shall be responsible for undertaking remediation to a standard at least equivalent to the existing condition. The process for remediation of accidental damage will be agreed with Council.
7. The relocation of the memorial shall only commence once the consent holder has provided documentation to the Council District Planning Manager demonstrating that sufficient funds have been allocated and are available for the relocation of the memorial and establishment on the Baring Street West site.
8. Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Council at the consent holder's cost at any time to
 - a. To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of the consent and which it is appropriate to deal with at a later stage.
 - b. At any time, if it is found that the information made available to council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.



Signed: _____

Date: 24/11/22

Lauren Wright
Consents Planner

DECISION:

Recommendation for LUC22/0115 adopted under Delegated Authority

Signed: _____

Date: _____

Ian Hyde
District Planning Manager

Signed: _____

Date: _____

Jane Donaldson
Group Manager

Section E Definitions

COUNCIL:	means The Ashburton District Council
DISTRICT PLAN:	means the Ashburton Operative District Plan 2014.
CRPS:	means Canterbury Regional Policy Statement
Manager:	means an Ashburton District Council Manager or nominated Ashburton District Council staff acting on the Manager's behalf
RMA:	means Resource Management Act 1991 and all amendments