

Review of applications LUC23/0010 and SUB23/0003 in relation to a Group B heritage item

4 Wilkin Street, Tinwald, Ashburton

---



Prepared by Arlene Baird  
for Ashburton District Council  
February 2023

---

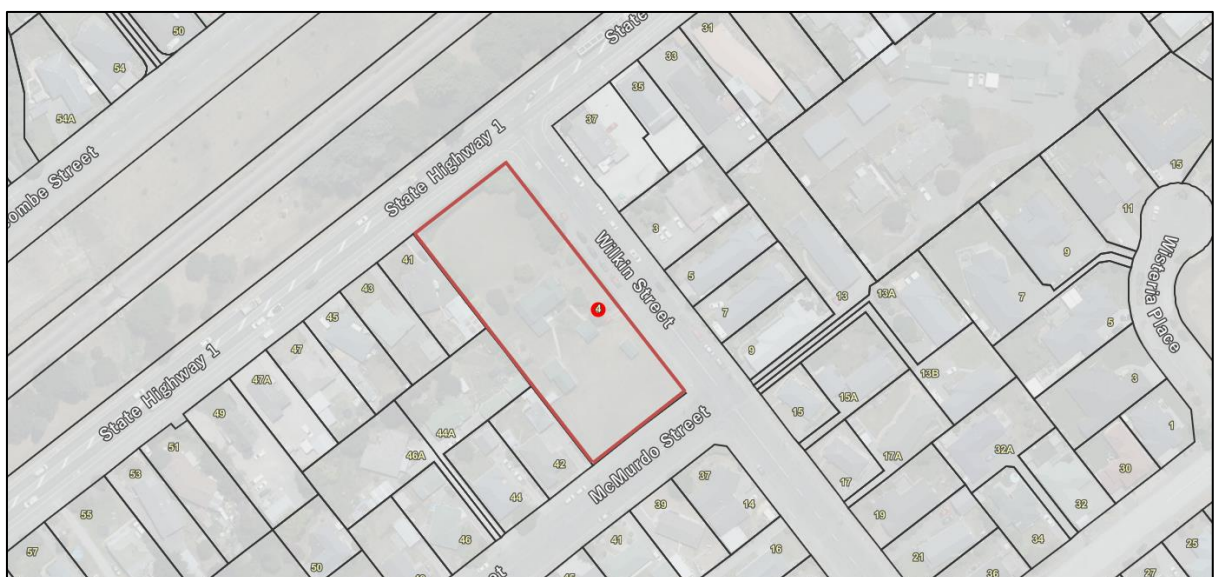
## 1.0 INTRODUCTION

- 1.1 This report is prepared in response to Ashburton District Council's email request dated 14<sup>th</sup> February 2023 regarding land use consent application LUC23/0010 and subdivision consent application SUB23/0003 for works to the Group B heritage item located at 4 Wilkin Street, Tinwald.
- 1.2 The purpose of this report is to review the land use and subdivision consent applications and their associated documents and comment on the proposal in relation to its impact on the scheduled heritage item.
- 1.3 Prior to the applicant lodging these current applications, I provided comments and recommendations on two previous proposals for the site, the first of which involved demolition of the heritage structures and the second which involved relocation to another site.
- 1.4 When considering the current proposal, the following documentation has been taken into account:
  - Resource Management Act 1991
  - Heritage New Zealand Pouhere Taonga Act 2014
  - ICOMOS NZ Charter
  - Ashburton District Plan (made operative August 2014): Chapter 12 Historic Heritage Values and Protected Trees including appendix 12-1 Schedule of Heritage buildings/items.
  - Historic research note for listing in the District Plan
  - Land use consent application prepared by David Harford Consulting Ltd. dated 27 January 2023 and associated annexures
  - Subdivision consent application prepared by David Harford Consulting Ltd. dated 1 February 2023 and associated annexures
- 1.5 I visited the site on 29<sup>th</sup> June 2022 with Peter York from Ashburton District Council, David Harford from David Harford Consulting and Jeff Shanks from AJ Developments (2016) Ltd.

## 2.0 BACKGROUND

### Location

- 2.1 The subject site is located at 4 Wilkin Street, Tinwald, Ashburton, legally described as Lots 441/4 DP 91. The site has a total area of 4048m<sup>2</sup> and sits on the southern side of State Highway 1.



Location of site [Source – Canterbury Maps]

## **Site and buildings**

- 2.2 This is a large rectangular corner site fronting onto State Highway 1 and has three road boundaries onto State Highway 1, Wilkin Street and McMurdo Street. The site contains one dwelling, positioned centrally on the site and three ancillary buildings positioned to the south and south-east of the dwelling. The site has remained virtually unchanged since at least the 1940s, as can be seen from the aerial photographs below, and at least one of the ancillary buildings has remained on site since that time.



Aerial view 2021



Aerial view 1940-45 [Source – Canterbury Maps]

## **Heritage status**

### ***Heritage New Zealand Pouhere Taonga***

- 2.3 4 Wilkin Street is recorded as an archaeological site, number K37/65. Under the Heritage New Zealand Pouhere Taonga Act 2014, archaeological sites are defined as any place occupied prior to 1900 that may provide archaeological information on the history of New Zealand. This could relate to occupation of these buildings or the use of the land prior to the buildings being constructed. An archaeological assessment was commissioned by the applicant and undertaken by South Island Archaeology Ltd. This assessment identified the dwelling and one of the ancillary buildings as being constructed pre-1900. It also identified the entire property as having potential for sub-surface archaeological features.

- 2.4 The buildings and site are not listed on the New Zealand Heritage List Rārangī Kōrero.

### ***Ashburton District Council***

- 2.5 The site and buildings are included as a Group B heritage item (item number H72) in the Ashburton District Plan Schedule of Heritage Items. Group B items are identified within the Plan as places of historical or cultural heritage significance or value to the district. The ongoing conservation and protection of these items is highly desirable, and their loss would be a significant matter, at least in respect of a district and regional community of interest.

## **Heritage values**

- 2.6 A Heritage Assessment was commissioned by the applicant and undertaken by Fulton Ross Team Architects (FRTA) in September 2021. The assessment established that the buildings and site are potentially of greater heritage value than previously recognised, concluding that 4 Wilkin Street is significant for its historic, cultural, architectural, technological, contextual, and archaeological heritage values. These values are detailed in full in the Heritage Assessment in Annexure H of the land use

consent application, so are not repeated in this document, but the following findings are of particular note:

- The villa was constructed around or before 1888, and the heritage assessment identified the title holders of the property from 1884 until the present day.
- The Assessment established the importance of the site and building for its long, virtually unchanged association with Tinwald township, identifying the incrementally developed surroundings which now leaves 4 Wilkins Street as ‘a unique example of an historic way of settlement’.
- The Assessment also provides a brief history of the property and in particular its early ownership by, and cultural associations with Rev Alexander Blake who was the first Presbyterian minister for the Flemington/Tinwald districts. Rev Blake was born in Scotland and worked as a missionary in India before relocating to New Zealand, and the Assessment has noted interesting Indian references, such as the name Madras Villa, and the architectural use of an open verandah, which was introduced to New Zealand via European settler contact with India. These findings add to both the building’s historical and architectural significance.

### **The Proposal**

- 2.7 Land use consent application LUC23/0010 seeks removal of ancillary buildings and redevelopment of the site to provide seven residential units.
- 2.8 Subdivision consent application SUB23/0003 seeks to subdivide Lots 441 to 444 to create 10 allotments. Lots 1-3 and 5-8 are for seven new residential units; Lot 4 will retain the existing villa; and Lots 9 and 10 are for corner splays to be vested with Council.

## **3.0 PLANNING FRAMEWORK AND HERITAGE PROTECTION**

- 3.1 In reviewing these applications, the following legislation and guidance relating to the protection of built heritage, has been considered:

### **Resource Management Act 1991**

- 3.2 (Part 1:2) Historic heritage:
- (a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:
- |                    |                         |
|--------------------|-------------------------|
| (i) archaeological | (iv) historic           |
| (ii) architectural | (v) scientific          |
| (iii) cultural     | (vi) technological; and |
- (b) includes -
- (i) historic sites, structures, places, and areas; and
  - (ii) archaeological sites; and
  - (iii) sites of significance to Maori, including wahitapu; and
  - (iv) surroundings associated with the natural and physical resources.
- 3.3 (Part 2:6) Matters of national importance:
- In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(6)(f) the protection of historic heritage from inappropriate subdivision, use, and development.

#### **Heritage New Zealand Pouhere Taonga Act 2014**

- 3.4 (Part 3:42) Archaeological sites not to be modified or destroyed
- (1) Unless an authority is granted under section 48, 56(1)(b), or 62 in respect of an archaeological site, no person may modify or destroy, or cause to be modified or destroyed, the whole or any part of that site if that person knows, or ought reasonably to have suspected, that the site is an archaeological site.
  - (2) Subsection (1) applies whether or not an archaeological site is a recorded archaeological site or is entered on—
    - (a) the New Zealand Heritage List/Rārangi Kōrero under subpart 1 of Part 4; or
    - (b) the Landmarks list made under subpart 2 of Part 4.
  - (3) Despite subsection (1), an authority is not required to permit work on a building that is an archaeological site unless the work will result in the demolition of the whole of the building.

#### **Canterbury Regional Policy Statement: Chapter 13 Historic Heritage**

- 3.5 Issue 13.1.1 – Loss or degradation of historic heritage  
Inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity.
- 3.6 Objective 13.2.1 — Identification and protection of significant historic heritage  
Identification and protection of significant historic heritage items, places and areas, and their particular values that contribute to Canterbury’s distinctive character and sense of identity from inappropriate subdivision, use and development.
- 3.7 Objective 13.2.3 Repair, reconstruction, seismic strengthening, on-going conservation and maintenance of built historic heritage  
The importance of enabling the repair, reconstruction, seismic strengthening, and ongoing conservation and maintenance of historic heritage and the economic costs associated with these matters is recognised.
- 3.8 Policy 13.3.1 — Recognise and provide for the protection of significant historic and cultural heritage items, places and areas  
To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:
- (1) identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters:
    - (a) Historic
    - (b) Cultural
    - (c) Architectural
    - (d) Archaeological
    - (e) Technological
    - (f) Scientific
    - (g) Social
    - (h) Spiritual
    - (i) Traditional
    - (j) Contextual
    - (k) Aesthetic
  - (2) work with Ngāi Tahu to identify items, places or areas of historic heritage significance to them.
  - (3) having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource.
  - (4) considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource.

(5) recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.

3.9 Policy 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.

**Ashburton District Plan: Chapter 12 Historic Heritage Values and Protected Trees**

3.10 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.

3.11 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.

3.12 Policy 12.1E

To encourage the use of protected buildings while ensuring that their valued features are not impaired or destroyed.

3.13 Policy 12.1G

To encourage owners to retain historic heritage values through considering a range of mechanisms, including opportunities for alternative uses of the site or building, provision of development incentives or reductions in rating for properties where historic heritage values are protected through a legal mechanism.

3.14 Rule 12.7.3 Restricted Discretionary Activities

The following activities shall be Restricted Discretionary Activities, provided that they are not listed as a Controlled or Discretionary Activity, with the exercise of the Council's discretion being restricted to the matter(s) specified in any applicable assessment matter in 12.9:

- b) Alterations and additions to a listed heritage building / item (Group A & B or a building identified as "A" at Longbeach Estate Heritage Site);
- c) The construction of a new building or any addition to a non-heritage building within any defined setting of a listed heritage building / item (Group A & B);
- c) The construction of a new building or any addition to a non-heritage building within any defined setting of a listed heritage building / item (Group A & B);
- d) Land disturbance within any defined setting of listed heritage building / item (Group A & B).

3.15 Rule 12.7.4 Discretionary Activities

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

- a) The subdivision of land containing or affecting any listed heritage building / item (Group A & B).
- b) The relocation of a Group B listed heritage building / item to another location within the property or to another property.
- c) The partial demolition or demolition of a Group B listed heritage building / item.

## ICOMOS

3.16 The International Council on Monuments and Sites (ICOMOS) NZ Charter sets out principles to guide the conservation of places of cultural heritage value in New Zealand. It provides support for decision makers in statutory or regulatory processes.

3.17 The purpose of conservation

The purpose of conservation is to care for places of cultural heritage value. In general, such places:

- (i) have lasting values and can be appreciated in their own right;
- (ii) inform us about the past and the cultures of those who came before us;
- (iii) provide tangible evidence of the continuity between past, present, and future;
- (iv) underpin and reinforce community identity and relationships to ancestors and the land; and
- (v) provide a measure against which the achievements of the present can be compared.

It is the purpose of conservation to retain and reveal such values, and to support the ongoing meanings and functions of places of cultural heritage value, in the interests of present and future generations.

## **4.0 IMPACT OF THE PROPOSAL ON HERITAGE VALUES**

4.1 When considering changes to, or the partial loss of a heritage item, it is useful to firstly establish why we seek to retain and conserve heritage. The NZ Charter states that places of cultural heritage value can be appreciated in a number of ways – in their own right; to inform us about the past and the cultures of those who came before us; to provide tangible evidence of the continuity between past, present, and future; to underpin and reinforce community identity and relationships to ancestors and the land; and to provide a measure against which the achievements of the present can be compared. Subdivision and development have the potential to result in the loss of those ongoing meanings for present and future generations.

4.2 The Canterbury Regional Policy Statement, amongst many of the other heritage objectives, policies and guidance, refers to a sense of identity. It states that ‘inappropriate use, development or subdivision can lead to loss or degradation of historic heritage values that make a significant contribution to a regional sense of identity’. This is an important and often overlooked aspect of heritage significance. A valued element of people’s sense of belonging is linked to their feelings of identity i.e. where they choose to live, how they relate to their surroundings, and how they associate with the past, present and future of a place. Remaining associations, such as the existence of buildings and sites with a long continuous history, provide a physical reminder of the rural basis and identity. The cumulative loss of such reminders can result in the gradual decline of the appreciation of the town’s origins.

4.3 The historical research undertaken by FRTA established the heritage values of the buildings and wider site at 4 Wilkin Street, so when considering these applications, we can use the identified values and assess how they may be impacted, or indeed retained, by this proposal:

- **The building’s historical association with the development of the township of Tinwald:**  
Although the site size and configuration will be altered, the dwelling’s relationship with Wilkin Street and its long association with the township will remain. However, since its construction in the c1880s, this dwelling has had a direct connection to the main road (now State Highway 1) to its north. This proposal will result in its relationship with the main road being lost. In addition, the subdivision and new residential development to the north-west and south-east of the

dwelling will mean that this site will no longer be seen as a unique example of an historic way of settlement.

- **The cultural association with Reverend Alexander Blake:**

The cultural association of this site with the Reverend Blake has important social significance. As the dwelling will be retained in situ and unaltered, this will remain as a tangible reminder of the cultural associations with the first resident Presbyterian Minister.

- **The architectural and technological values of the main house:**

The architectural and technological values of 4 Wilkin Street provide tangible evidence that mark this place as having qualities belonging to another era. The current applications do not include any works to the dwelling, so these values will not be altered, however I would urge the applicant to ensure that any future restoration or repair works to the dwelling respect these architectural and technological values.

- **The contextual value:**

The NZ Charter advises that the on-going association of a heritage item with its location, site and setting is essential to its authenticity and integrity. The dwelling and its associated outbuildings at 4 Wilkin Street currently sit central to a large 1-acre section and aerial views show that the property has remained almost identical throughout the years while the properties around it have been subdivided and developed. This proposal will result in the loss of this last large section which acts as green space within the more densely developed residential neighbourhood. The proposal will also result in the loss of the building group, i.e., the dwelling and its associated outbuildings.

- **Archaeological values:**

The pre-1900 habitation of this property means that there may be unseen archaeological values on the site, as well as the pre-1900 buildings. I note that an archaeological authority has been obtained from Heritage New Zealand Pouhere Taonga for the removal of the pre-1900 shed and earthworks on the site, subject to conditions.

4.4 In summary, the current proposal for 4 Wilkin Street will not adversely affect its cultural, architectural and technological values. This is in contrast to the applicant's previous proposals for demolition and relocation, which would have been detrimental to all existing values as well as the perceived importance of historical detail, which is diminished when no physical evidence remains.

4.5 However, the loss of its large site and original setting will mean that 4 Wilkin Street will no longer be seen as a unique example of an historic way of settlement. The removal of the ancillary buildings to the south of the dwelling will result in the loss of the existing group context and the proposed lots to the north of the dwelling will reduce its relationship to the main road. The removal of the pre-1900 ancillary building will also result in the loss of above ground archaeological evidence on the site.

## 5.0 CONSIDERATIONS and RECOMMENDATIONS

### Considerations

5.1 4 Wilkin Street is the last remaining large piece of undeveloped land in the immediate area and as such it is no surprise that there are pressures to subdivide and develop it. I acknowledge that the heritage aspect is only one of many considerations which Council must assess when determining this application.

5.2 The applicant's assessment of effects accurately details the importance of this property, acknowledging that the buildings are a longstanding and consistent feature of Tinwald, demonstrating



a way of life in a former era and representing early occupation of this area. I commend the applicant on commissioning experts to provide heritage and archaeological assessments, which have been essential in establishing a clearer picture of the significance of the site.

- 5.3 In achieving the purpose of the RMA, the Council must recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development. The act of removing the ancillary buildings and creating new residential lots to the north and south of the dwelling at 4 Wilkin Street will affect the heritage values associated with it. However, I acknowledge that alternatives have been considered and this proposal is significantly preferable to the two previous proposals for demolition and relocation, as it at least retains the dwelling in situ and as a result retains its cultural, architectural and technological values.
- 5.4 I also acknowledge that considerable work will be required to bring the dwelling up to modern day standards and the applicant has suggested that the need for repairs and upgrades to the dwelling have resulted in a reduced value of the site as one residential lot. Unfortunately that is the nature of older buildings and why it is essential for owners to maintain them and for purchasers to be aware of the heritage status and cost implications prior to purchase. Subdivision of a wider site can often provide necessary funds which can go some way to ensuring the future of the heritage structure – this can then be considered as a mitigating measure where development, which would not normally be acceptable within the setting of a heritage building, is permitted subject to restorative works to the structure itself.
- 5.5 This dwelling was designed and built to front onto the main road, rather than Wilkin Street and as such its north-western elevation was always intended to be the ‘front’ of the house. This accommodates the main windows, verandah and decorative elements. It is therefore important that this elevation remains prominent, and that sufficient garden space is provided to the front of it. At the site meeting with the applicant, we discussed that a setting should be established that enables the heritage building to retain a sizable garden area with sufficient space on each side of the building and with new boundaries being at least 10m from the front (NW) of the building and at least 8m from the rear (SE). I note these distances have been reduced on the proposed plans.
- 5.6 At the site meeting with the applicant, I emphasised the importance of an appropriate landscaping plan. The sensitive treatment of a heritage setting has the ability to both enhance the values of the heritage item and also to protect it from adjacent development. From aerial photographs, it appears the trees to the front of the dwelling were planted in the late 1970s, early 80s. Although not that old, they do provide a sense of maturity which sits well beside the heritage building. Some of the planting to the east may date back to the 1940s. Future planting along the new boundaries of the lot 4 heritage site will be important to provide a buffer between the dwelling and the new development.
- 5.7 The newly formed heritage lot will require the creation of a new vehicular access. This should be located to the eastern corner of the new site. Sufficient space should be made available for a vehicle to access the southern side of the building. This is to allow for any future vehicular access or ancillary building that may be desired by a future owner. This will prevent any garages or ancillary buildings being constructed to the Wilkin Street side of the building, which would further reduce the dwellings connection with the road links and public space.

### **Recommendations**

- 5.8 Should Council be minded to approve these applications for subdivision and land use consent, I would recommend conditions of consent for additional detail to be provided prior to the commencement of any works, relating to:
- A temporary protection plan to avoid accidental damage to the dwelling during works

- A landscaping plan for the newly formed heritage site, including boundary treatments, retention of existing trees and new vehicular access from Wilkin Street
- a photographic recording of the heritage items and site (before, during and after the works)

5.9 I would also recommend Council consider the following aspects:

- The applicant indicates that the subdivision will assist in the retention of the heritage dwelling, but there are no proposals for the restoration of the villa or any indication of how funds from the development may be used to secure its future. This has been raised in previous correspondence. If this is the mitigating measure that enables subdivision of this site, Council may wish to consider how the future of the dwelling can be assured.
- The heritage building should be retained on a single lot for residential use and not be further subdivided.
- The new boundary to the north of lot 4 should be set back at least 10m from the front of the existing dwelling, to enable this prominent elevation, with verandah and detailing, to retain an appropriate setting and outlook.
- A No Build area should be identified between the dwelling and Wilkin Street in Lot 4 of the subdivision plans, to ensure that no garage or other ancillary building is constructed which would obscure the dwelling and further reduce its connection to the roadway and public space.
- A No Build area should be identified on the subdivision plans along the boundaries of the new residential lots adjoining the heritage lot. This would provide a buffer to ensure that the new dwellings are sufficiently distanced from the heritage structure.
- The landscaping plan for the heritage lot should be implemented prior to works commencing on the new residential sites.
- The ancillary buildings are important as they are a tangible link to the former use of the site and provide a degree of context value. It is therefore highly desirable for at least one of these buildings to remain with the villa. I accept that the garage and shed are in a poor state of repair and no longer usable, and their repair to a usable standard would be impractical. However it was discussed on site that it would be possible for the former barn/stables to be relocated to a new position west of the villa, within the new heritage site.