

RESOURCE CONSENT APPLICATION TO Ashburton District Council

**Baring Square East
Ashburton**



October 2022

**APPLICATION FOR RESOURCE CONSENT
SECTION 88, RESOURCE MANAGEMENT ACT 1991**

**TO ASHBURTON DISTRICT COUNCIL
PO BOX 94
ASHBURTON 7740**

Ashburton District Council (*please note different address for service*) applies for the following resource consent under section 9 of the Resource Management Act 1991:

Resource consent is sought to relocate a war memorial at Baring Square East to a site at Baring Square West in Ashburton.

Full details are contained in the "*Assessment of Effects on the Environment*", and appendices attached to, form part of this resource consent application.

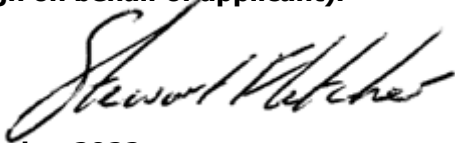
The names and addresses of the owner and occupier (other than the applicant) of the land to which the application relates are as follows:

The applicant is the owner

The location of the proposed activity is as follows:

The activity is located at both Baring Square East and Baring Square West in Ashburton which are held as legal road reserve.

Signature of applicant (or person authorised to sign on behalf of applicant).



2 October 2022

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ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

Introduction

1. This assessment of effects on the environment is provided in support of the proposed relocation of a war memorial at Baring Square East in Ashburton. The following appendices are attached in support of, and form part of, the application:
 - Appendix One – Heritage Assessment
 - Appendix Two – Illustrations of Proposed New Location
2. On the basis of the nature of the proposal, including public interest and the locating of the Cenotaph within an area of open space, it is requested that this application is processed on a publicly notified basis. This will ensure a robust and open process in the consideration of the proposal.

Description of the Proposal

3. Resource consent is sought to relocate the South African War Cenotaph (the Cenotaph) from Baring Square East to Baring Square West.
 4. The Cenotaph is located roadside at Baring Square East, facing into the square towards East Street. The site is a public space and includes paving, seating, water features, other memorials, a clock tower and a variety of mature trees, shrubs, and other planting.
 5. The cenotaph itself is approximately three metres high, including a concrete plinth and is constructed from bluestone and red granite. The cenotaph commemorates those persons who attended the South African War. The cenotaph was erected on the site on 1976 and was previously relocated from a more central location within the site. Further details as to the cenotaph and its' history are detailed in the heritage assessment attached as Appendix 1.
 6. The cenotaph is identified as a heritage structure in the Ashburton District Plan (heritage item 107). It is listed as a Group B heritage item in the Operative Ashburton District Plan's Schedule of Heritage Buildings/Items. The Cenotaph is not included on the New Zealand Heritage List Rārangī Kōrero.
 7. Adjacent to the site is the new Civic Centre project, currently under construction. The building will include the library, civic centre, civil defence emergency operations centre, information centre and administrative areas. The project also involves the remodelling of Baring Square East and the road located between the two sites. The area will be enhanced for pedestrians and includes creating a 'civic plaza' linkage between Baring Square East and the entrance to the library and Civic Centre.
 8. Initially the plan for this area included the retention of the Cenotaph in its current location, however, as plans have progressed, Council now wishes to relocate the Cenotaph away from its current site. Council have explained that the reasons for this include that this part of Baring Square East is likely to be utilised as a multi-use space for various types of public events and as such it would be more versatile as an open, unobstructed area; and secondly as the space will be used for events and activities, Council is concerned that should the Cenotaph remain in-situ, it may be at risk of damage.
 9. Upon determining that the relocation of the Cenotaph was preferred, Council have undertaken initial investigations as to its' current structural state, the history of the structure and whether it is feasible to relocate the Cenotaph. These investigations have
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determined that regardless of whether it is relocated, the Cenotaph needs maintenance work to ensure structural integrity. Those investigations also confirmed that it is physically possible for the Cenotaph to be relocated.

10. An investigation of the history of the Cenotaph has identified that it has been previously relocated from a more central location on the site in 1976. Also, the location of the Cenotaph is not event related (a specific event has not occurred at the site which dictated the position of the Cenotaph) and consultation with various parties has been found to be supportive of the relocation of the Cenotaph. This has culminated in the heritage assessment appended to this resource consent application.
11. It is proposed to relocate the Cenotaph to Baring Square West, which is approximately 150 metres to the West of the current Cenotaph site. Baring Square West includes several memorials, particularly war related, with the dominant memorial being the larger Ashburton Cenotaph. It would be proposed to position the South African War Cenotaph approximately halfway between an existing flag pole structure and the Cameron Street boundary. Mock up illustrations have been prepared which illustrate where the Cenotaph would be located and how it would look on the new site. These are attached to this application as Appendix 2.
12. Unless unforeseen circumstances arise, it is intended for the deconstruction and relocation to occur in one stage therefore avoiding the storage of the structure and staged reconstruction.
13. It is finally noted that resource consent is also required to establish the Cenotaph on the Baring Street West site.



Figure 1 - Location of the Site

Description of the Site and Surrounding Environment

14. The Cenotaph is located roadside at Baring Square East, facing into the square towards East Street. It is surrounded by paving, water features and a variety of mature trees, shrubs, and other planting. Baring Square East is also home to the statue of founding father John Grigg, the concrete archway arbors (informally known as the 'whalebones') which were established to commemorate the centenary of the Ashburton Borough, and the clocktower contributed by the Ashburton County to mark the centenary of the County. It is important to note that the South African War Cenotaph was previously relocated and does not currently sit in its original position.
15. Baring Square West is approximately 150 metres west of Baring Square East and contains the Ashburton Cenotaph War Memorial. The site is a predominantly open area and includes two flag pole structure to the north and south of the cenotaph. Commemorative services are held at the site on a regular basis.
16. The character of the area surrounding the two sites is mixed in character. State Highway 1 and the Main Trunk Railway dominate the central corridor through the area and beyond this are a combination of commercial buildings, government buildings, churches and residential activities.

Statutory Assessment

Ashburton District Plan

17. Baring Square East and Baring Square West are both zoned Open Space A under the Ashburton District Plan. 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.
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Figure 2 – District Plan Zone Map

18. In assessing the District Plan provisions, and the application of relevant rules / standards, the following definitions are considered relevant:

"Building

for the purposes of this Plan, means, as the context requires and unless stated to the contrary in another definition or in a rule:

Any structure or part of a structure, whether temporary or permanent, movable or immovable, but does not include:

- (i) any scaffolding or falsework erected temporarily for maintenance or construction purposes;*
- (ii) fences, walls or retaining walls of 2m in height or less not used for advertising for any purpose;*
- (iii) structures less than 5m² in area and less than 2m in height;*
- (iv) masts, poles, radio and television aerials (excluding dish antennae for receiving satellite television), less than 7m above ground level;*
- (v) any vehicle, trailer, tent, caravan or boat whether fixed or movable unless such vehicle, trailer, tent, caravan or boat shall be used as a place of accommodation, business or storage."*

"Recreation

means all activities freely chosen by an individual, which give that person enjoyment, satisfaction and a sense of well-being. Recreation activities can be described as "active", including group sports or activities of a less formal nature, such as jogging or cycling, community rugby and football teams or "passive", including activities such as picnicking, nature watching or viewing the landscape."

"Recreational Activity

means the use of land and buildings for the primary purpose of recreation and entertainment by the members of more than one household unit. This does not include commercial recreational activities where a fee is paid to use facilities i.e. a commercial bowling alley but does include community sports facilities where a membership fee may be paid.”

19. In consideration of the above definitions, it is noted that the Cenotaph is over 2 metres in height and therefore constitutes a building. With regards to whether the Cenotaph falls within the definition of recreational activity, this is less clear. The context provided in the above definitions suggests a memorial or cenotaph does not fall within the definition of recreation but it is noted that there is no real clear definition in the District Plan that the activity would fall within. Nevertheless, a conservative approach has been taken and it is assumed that the Cenotaph does not constitute a recreational activity.
20. It has also been identified that the Cenotaph is identified as a heritage structure in the Ashburton District Plan (Heritage Item 107) and also that Baring Street West contains a heritage structure. The District Plan specifically identifies the Cenotaph and Baring Street West as follows:

DISTRICT PLAN ID NUMBER	NAME	LOCATION	LEGAL DESCRIPTION	DISTRICT PLAN GROUP	NZHPT CATEGORY	NZHPT REGISTER NUMBER	DISTRICT PLAN MAP NUMBER
106	Ashburton Cenotaph	Baring Square West	Reserve	Group B	-	-	U53
107	Boer War Cenotaph	Baring Square East	Reserve	Group B	-	-	U53

21. On the basis of the above resource consent is required for the following reasons:
- With regards to the relocation of the Cenotaph from Baring Square East, Rule 12.7.4(b) specifies that the relocation of a Group B listed heritage building / item to another location within the property or to another property is provided for as a Discretionary Activity.
 - With regards to the establishment of the Cenotaph at Baring Square West, Rule 6.8.5(b) specifies that any activity which is not listed as a permitted or restricted discretionary activity is provided for as a non-complying activity.
22. Overall, the rules in Chapters 6 and 12 of the Ashburton District Plan identify that a Non-Complying Activity consent is required.

Actual and Potential Effects on the Environment

23. In considering the effects of the proposed activity it is first noted that the relocation or removal of a heritage structure requires resource consent, as does the erection of a building in the Open Space A zone (except for play equipment). On this basis it is not considered that there is an applicable permitted baseline in assessing the potential effects of the proposed activity.
24. The potential effects of the proposal have been assessed as follows:

Heritage

25. A detailed heritage assessment is appended to this resource consent application. The assessment includes details as to the history of the Cenotaph, its' previous relocation, details of the heritage values of the Cenotaph and assessment of the effects of the proposed relocation.
26. Key points from the assessment include:
- Council has contracted stone mason Brent Robertson to undertake this work. Mr Robertson has assessed the structure and provided the following analysis of tier condition and methodology for the relocation. Some replacement of lower sections including the concrete base, and potentially bluestone tier may be required but generally the relocation of the Cenotaph can be realistically undertaken.
 - Baring Square East underwent major redevelopment in the build up to celebrating the County Centennial in 1978. The main feature was the restoration of the old Post Office clock and construction in 1976 of its new home in a tower designed by Warren and Mahoney Architects. The clocktower's location on the East Street side of the square, and the installation of a water feature in the centre, prompted the relocation of the Cenotaph to the opposite side of the square adjacent to the Baring Square East road.
 - The values of the South African War Cenotaph include that it stands as a physical expression of how the community mourned at the loss of their local people in the war. It is an acknowledgement of the sacrifice that these men made and shows pride in the fact that this community contributed to the British war effort. It is important in its role of providing a focal point for grief and remembrance for loved ones and the general public.
 - The South African War Cenotaph is not recognised for its architectural merit, taking the form of a simple obelisk, but it does have aesthetic value associated with its instantly recognisable purpose and function as a war memorial which conveys sentiments of both grief and pride. Although the replacement of the bluestone tier will reduce the authenticity of the Cenotaph, it is considered the aesthetic values will remain regardless of whether the structure remains in its current position or is relocated to Baring Square West.
 - It is preferable for the deconstruction and relocation to occur in one stage therefore avoiding the storage of the structure and staged reconstruction. This will avoid the additional risk of two moves and the risk of damage during storage. It will also avoid the adverse effects of the Cenotaph being unavailable to the public for period of time, although this can be mitigated to an extent through temporary signage and interpretation.
 - The relocation will also change the appearance of Baring Square East and Baring Square West. However, it is acknowledged that the Cenotaph currently sits in a commemorative landscape, with other memorials within Baring Square East, and that it will be moving to a commemorative landscape adjacent to the main WW1/WW2 Cenotaph in Baring Square West. The new setting will therefore be different but no less appropriate.
 - Consultation with veterans from the New Zealand Remembrance Army confirmed that they consider the move to the proposed new location to be a positive one, because it would be complementary to the main (WW1/WW2) memorial. The effect on Baring Square West will therefore be beneficial. The effect on Baring Square East will be adverse as it will lose a commemorative structure, however as the square is
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in the process of redevelopment, this loss must be balanced with the benefits to the community of the new design. The overall character of neither square will change as both squares are currently, and will remain, commemorative landscapes.

- When the location of the proposed memorial was first being discussed in 1902, a number of options were considered. There does not appear to be any documentation of a clear reason for its positioning in Baring Square East rather than the other locations considered. The benefits of the relocation site and the fact that its original setting was already compromised in 1976, leads to a conclusion that the setting of the Cenotaph is important but not integral to its cultural heritage value and although its relocation will undoubtedly alter its setting, this will have minimal adverse effects on its heritage values.
27. Overall, the appended assessment concludes that taking into account the fact that the Cenotaph is not currently located on its original site, that the main heritage values (historical, social and cultural) will be retained, and that that the proposed new site is equally appropriate in an existing commemorative landscape, that the relocation would have minor adverse effects. On the basis of the thorough assessment, and its conclusion it is considered the heritage related effects of the proposal will be minor.
28. In reaching this conclusion it is noted that the conditions referred to in the assessment are adopted as part of the resource consent application.
29. Consideration has also been given to whether the proposal will have any impacts on the site to which the Cenotaph will be relocated (Baring Square West). It is recognised that the Ashburton Cenotaph is a heritage structure but given the context of the proposal it is considered that the proposal will be complimentary to the existing character of the site and will not negatively impact the heritage fabric of the site. As per the heritage assessment, feedback has been both positive, and a commemorative landscape will remain.

Amenity and Character

30. In assessing the effects of the removal of the Cenotaph from the Baring Square East site it is recognised that a change will occur, but that the change is part of a wider, well considered, redevelopment of the area. The relocation will facilitate complementary works to occur which support the development of the Civic Centre. Many other elements of the public open space will remain and this, combined with the overall enhancement of the area, will ensure any effects from the removal of the Cenotaph will be minor.
31. In assessing the impacts of the establishment of the Cenotaph on the Baring Square West site it is recognised that the site is zoned Open Space and while the District Plan is limiting as to what can be established, the proposal is both appropriate and complementary to the existing character of the site. As per the heritage assessment, this site is a commemorative landscape and the inclusion of the Cenotaph is a suitable part of this landscape. Public spaces can include or facilitate a variety of activities and it is common for memorials and commemorative features to be included as part of an open space. This again, limits any negative impacts on the amenity and character of the site. It is therefore concluded that any impacts on the amenity and character of the Baring Square West site will be less than minor.

Earthworks

32. It is recognised that ground works will be required in the relocation of the memorial, including excavation. Such works will be limited to the removal of the foundation and reinstatement of the ground, in preparation for the wider redevelopment of the area.
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Likewise on the new site, works will be limited to the construction of a foundation for the new Cenotaph base.

33. Earthworks will be undertaken in a manner which minimises any potential impacts, such as dust or silt runoff but given the small nature of the works required it is not considered that detailed earthworks controls are required.
34. Consideration has also been given to the archaeology of the sites. Generally, it has been determined that no archaeology issues should arise, particularly given that the Cenotaph was relocated in the 1970's. That said, it is the intention of the applicant to adhere to an accidental discovery protocol such that if matters of archaeological interest are identified at either site, appropriate processes will be followed.

Summary of Effects

35. Overall, it is considered that the effects of the proposed relocation of the Cenotaph will be minor. This is on the basis of the detailed heritage assessment which has been undertaken, the reasons for the relocation of the structure and the location that the Cenotaph will be relocated to.

Monitoring

36. There is no need for special monitoring of this proposal.

Consultation

37. As per the heritage assessment, consultation has been undertaken with the following parties:
 - Ashburton Returned and Services Association:
 - New Zealand Remembrance Army:
 - Heritage New Zealand Pouhere Taonga:
 - Historic Places Mid Canterbury:
38. Feedback has been generally supportive and the relocation of the Cenotaph has been viewed as a positive outcome.
39. However, while feedback is supportive of the proposed activity, due to the nature of the proposal and what the Cenotaph represents, further public consultation is sought, and accordingly public notification of the application has been requested. This will enable members of the public to consider and respond to the proposal.

Objectives and Policies

40. Relevant heritage related objectives and policies in the Ashburton District Plan include:

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.

Policy 12.1E

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

Policy 12.1F

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

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.

Policy 12.1H

To ensure the protection of heritage items listed in the schedule which are under threat from demolition, removal or major modification by the use of Heritage Protection Orders, as necessary, and in conjunction with other agencies where appropriate.

Policy 12.1I

To recognise the NZHPT as a consenting authority for all pre-1900 archaeological sites.

41. In consideration of the above provisions, it is first noted that the relocation of the Cenotaph is provided for in the heritage related District Plan rules as a Discretionary Activity. As such, relevant objectives and policies need to be assessed on the basis that some changes – such as relocation – can be appropriate in some circumstances.
 42. It is first noted that the heritage and context of the Cenotaph will be retained through being repositioned to within an area viewed as a commemorative landscape. Accordingly, significant historic heritage will continue to be protected while also minimising any potential adverse effects. The proposal is also considered to be supported by Policy 12.1G which recognises using a range of mechanisms to retain historic heritage values.
 43. It is recognised that Policy 12.1H seeks to protect heritage items from demolition, removal or major modification. Given that relocation is provided for as a discretionary activity it is unclear whether the relocation of the Cenotaph would constitute 'removal' or 'major modification' but it is recognised that the proposal will result in a significant change for the structure, particularly location. Given that the heritage item will continue to be protected, albeit in an alternative location, and that feedback is that the new location is acceptable it is not considered that the proposal is in direct conflict to this policy. It is finally also noted that consultation with the HNZPT has occurred as part of developing the proposal.
 44. Overall, it is not considered that the proposal is in conflict with the heritage related objective and policies in the Ashburton District Plan.
 45. Consideration has also been given to the objectives and policies in the Ashburton District Plan as they apply for Open Space zones. This includes the following provisions:
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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.

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.

46. In consideration of the above, it is recognised that the above provisions provide for a range of uses and it is considered that places of commemoration are an appropriate part of this. As part of this a range of structures are also provided for, provided any potential effects are suitably managed including to ensure the open character of an area is retained. Given the nature of the structure, it is considered that the open character of the site will be retained, as will the function of the site as a place of commemoration.
47. The proposal will not affect the local street network, the visual amenity of the site will be retained, and the gathering of like features together will better facilitate the function of the space and the needs of the community. Finally, it is noted that the relocation of the Cenotaph is part of a wider community process but that specific consultation with the public has already occurred and will continue to do so through the public notification process.
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48. Overall, it is considered that the objectives and policies of the Ashburton District Plan are both complimentary to the proposal and do not raise potential conflicts. A heritage structure will be protected and the establishment of the Cenotaph within an open space zone is consistent with the use of the site.

Part II

49. Part II of the Resource Management Act 1991 contains the purpose and principles of the Act. The purpose of the Act is to promote the sustainable management of natural and physical resources. The proposal will enable people to provide for their social, economic and cultural wellbeing while avoiding, remedying or mitigating any adverse effects of activities on the environment. The granting of consent for the activity proposed will achieve the purpose of the Act since it will enable the use and development of an existing site in an appropriate manner to provide for people's wellbeing while also ensuring a heritage structure is suitably protected.

50. Section 7 of the Resource Management Act 1991 sets out "other matters" that the consent authority is to have particular regard to in achieving the purpose of the Act. In the context of the present application the following matters are relevant:

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

51. The proposal will allow the continued use and enhancement of the site. There are no specific issues relevant to section 8 of the Resource Management Act 1991 for this proposal.

52. Section 6 of the Resource Management Act 1991 identifies matters of national importance. This specifically includes the protection of historic heritage from inappropriate subdivision, use, and development. In this instance a detailed assessment has been provided which has concluded that the proposal is appropriate, and any adverse effects associated with the proposal will be no more than minor. As such it is considered that historic heritage has been recognised and provided for.

53. It is therefore concluded that the proposal will meet the purpose and principles of the Resource Management Act 1991.

Lapsing

54. A standard duration of five years is sought for the proposed activity to be given effect to.

Conclusion

55. Resource consent is sought to relocate the South African War Cenotaph from Baring Square East to Baring Square West. The cenotaph itself is approximately three metres high, including a concrete plinth and is constructed from bluestone and red granite. The cenotaph commemorates those persons who attended the South African War. The cenotaph was erected on the site on 1976 and was previously relocated from a more central location on the site. A heritage assessment has been undertaken and it has been determined that the potential effects of the relocation will be minor. It has also been determined that any effects on the new site, which the Cenotaph will be relocated to, will be less than minor.
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56. It has also been assessed that the proposal will be consistent with the Objectives and Policies of the Ashburton District Plan together with the provisions of the Resource Management Act 1991.
 57. Detailed descriptions of the activity are provided, along with a full assessment of the effects on the environment, and detailed plans have been included as part of the application.
 58. For these reasons, it is considered that on the basis of the considerations required by s104 and subject to Part 2, it is appropriate to grant consent, as it is suggested that the purpose of the Resource Management Act 1991 would be better given effect to through the granting of resource consent.
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APPENDIX ONE
Heritage Assessment

APPENDIX TWO
Proposed New Location

