SECTION 32 REPORT – PROPOSED PLAN CHANGE 75

PROPOSED CENTRES HERITAGE AREAS

1. Introduction

Before a proposed District Plan Change is publicly notified the Council is required under section 32 of the Resource Management Act (RMA, or the Act) to carry out an evaluation of the proposed change and to prepare a report. As outlined in section 32 of the Act the evaluation must examine:

(a) the extent to which each objective is the most appropriate way to achieve the purpose of the Act; and

(b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.

An evaluation must also take into account:

(a) the benefits and costs of policies, rules, or other methods; and

(b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.

Plan Change 75 seeks to implement the Built Heritage Policy adopted by Council in 2005 and to reflect the Resource Management Act 2003, which requires Council to provide for heritage protection as a matter of national importance under section 6.

A number of mechanisms are required to protect the city's built heritage. These include the provisions of the District Plan, the Council's Built Heritage Policy and the Council's financial incentives for the protection of heritage buildings.

Two main options were canvassed in the preparation of this proposed Plan Change and this report has been prepared to address the requirements set out in section 32 of the RMA.

2. National-level Legislative Context

2.1 Resource Management Act 1991

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for *their social, economic, and cultural wellbeing and for their health and safety*. The Act also contains an explicit function for Territorial Authorities to maintain and enhance amenity values and the quality of the environment. Local authorities are also required under section 6, *Matters of National Importance,* to recognise and provide for:

The protection of historic heritage from inappropriate subdivision, use and development.

In the definition section of the Act *historic heritage*:

(a) means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from any of the following qualities:

(i) archaeological:

(ii) architectural:

(iii) cultural:

(iv) historic:

(v) scientific:

(vi) technological; and

(b) includes -

(i) historic sites, structures, places, and areas; and

(ii) archaeological sites; and

(iii) sites of significance to Maori, including wahi tapu; and

(iv) surroundings associated with the natural and physical resources

2.2 Historic Places Act, 1993

The New Zealand Historic Places Act, 1993 is administered by the New Zealand Historic Places Trust ("NZHPT or the Trust"). Section 4 of the Act states that the purpose of the Act is to:

Promote the identification, protection, preservation, and conservation of the historical and cultural heritage of New Zealand.

As well as the regulatory component relating to archaeological sites, the Historic Places Act, 1993 has provisions for identification of historic places, historic areas, waahi tapu and waahi tapu areas. The Trust is required to keep a Register of these places. The purpose of the Register is to identify such places, inform owners and to assist in the protection of such places under the RMA. NZHPT registration does not of itself protect these places but assists in protection by notifying property owners and the public of their significance.

The definitions of an historic area and a historic place used in the Historic Places Act, 1993 are:

"*Historic Place" means*

(a) (i) Any land (including an archaeological site); or

(ii) Any building or structure (including part of a building or structure); or

(iii) Any combination of land and a building or structure; or

(iv) any combination of land, buildings or structures, and associated buildings or structures (including any part of those buildings or structures, or associated buildings or structures) that forms a place that is part of the historical and cultural heritage of New Zealand and lies within the territorial limits of New Zealand; and

(b) Includes anything that is in or fixed to such land.

As discussed above, while NZHPT registration is an indication of the heritage value of a place, it does not provide protection in itself. The protection of registered places is largely reliant on the District and Regional Councils including provisions in their Plans for the protection of historic heritage from inappropriate subdivision, use and development.

There are requirements in the RMA that require Category I and II items to be recorded on LIM reports and Council is obliged, in considering resource consents where a registered item is affected, to consult with the NZ Historic Places Trust.

2.3 Building Act 2004

The Building Act 2004 regulates all buildings in New Zealand. The Act requires local authorities to ensure that buildings are safe, promote physical independence and wellbeing, have adequate fire escape and seismic provisions, and are designed, constructed and able to be used in ways that promote sustainable development. Local authorities are also required to take into account Section 4(2) which includes the need to facilitate the preservation of buildings of significant cultural, historical or heritage value. In applying the purpose of the Building Act, 2004 the relevant heritage principles are:

d) the importance of recognising any special traditional and cultural aspects of the intended use of the building;

l) the need to facilitate the preservation of buildings of significant cultural, historical or heritage value.

This Act requires every territorial authority in the country to have a policy on earthquake prone buildings. Wellington City Council's Earthquake-prone Buildings Policy 2009 outlines the Council's approach to ensuring earthquake-prone buildings are strengthened to the level required by the Building Act, or may be demolished.

3. Territorial Authority Policy Direction

3.1 Proposed Regional Policy Statement 2009

The Act requires all District Plan provisions to be in line with any regional policy. In preparing Plan Change 75, Officers have had regard to the Proposed Regional Policy Statement 2009 (PRPS) and are of the view the proposed provisions are consistent with giving effect to its content where relevant.

The PRPS has placed greater emphasis on local authorities to consider heritage issues and, identifies the loss of heritage values as a result of inappropriate modification, use and destruction historic heritage as a regionally significant resource management issue.

Objective 15 seeks to ensure that *historic heritage is identified and protected from inappropriate modification use and development*. Policy 20 seeks that District Plans *identify places, sites and areas with significant historic values*, with Policy 21 ensuring that District Plans *protect historic heritage values.*

3.2 Built Heritage Policy – Adopted by Council 28 June 2005

The Council's built heritage policy includes a number of objectives that together aim to achieve the vision that:

Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.

Objective 1 of the Policy is *to continue to recognise built heritage places as essential elements of a vibrant and evolving city*. This is relevant to this Plan Change because Action 1 identified in the Objective is to:

Adopt a heritage area approach to identify important areas within the city which will contribute to the community's sense of place.

In addition, Action 2 seeks to:

Continue to identify built heritage places with significant heritage value to ensure their protection, promotion, conservation and appropriate use for present and future generations

Objective 2 relates to protection. This Objection seeks *to protect the city's built heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration and inappropriate subdivision, development and use*. This if further expanded by Objective 2, Action 1 which aims to:

Recognise those places with significant heritage value through listing in the District Plan, either individually or as part of a heritage area.

A review of the Built Heritage Policy 2005 will commence in August 2010. The review will primarily focus on incorporating non-built heritage in to the policy, such as trees and archaeological items. The review is not a re-write of the policy. For the purposes of this section 32 report, the above objections and actions will continue to remain valid considerations when considering heritage matters.

3.3 Earthquake-prone Building Policy 2009

Wellington City Council Earthquake-prone Buildings Policy's approach to heritage buildings is to reduce the impact of any strengthening work required on the heritage fabric of the building. This means that for earthquake-prone heritage buildings:

- strengthening is required so that it is no longer earthquake-prone
- the maximum timeframes will apply, just as it does to all buildings
- a management plan outlining how strengthening will preserve the heritage fabric of buildings is to be provided
- demolition is not encouraged.

The Built Heritage Incentive Fund is one avenue that owners of earthquake-prone heritage buildings can explore to provide some financial assistance.

3.4 Centres Policy 2008

The Centres Policy provides a framework to guide the development and management of Wellington City's Centres. The overall intent of the policy is to maintain and strengthen our existing and planned Centres. Aspects, such as retaining the role of Centres as places to shop and growing their multi-functional nature by facilitating residential development, employment growth and increasing the range of facilities and services available, are all identified as key objectives of the policy. The Centres Policy also recognises that it is important to improve the quality of urban design in Centres and to maximise their potential to achieve more sustainable forms of development.

Objective 7 seeks *to improve the urban design quality of all Centres and build on their sense of place.*

Policy 7.1 states that, among other things, the quality of urban design in Centres will be improved by investigating and identifying heritage and character areas (where appropriate) and including them in the District Plan.

3.5 The Built Heritage Incentive Fund

The Built Heritage Incentive Fund helps with the conservation, restoration and protection of Wellington's heritage-listed buildings and objects. The grants can also help meet some of the additional costs associated with owning and caring for a heritage property.

There is $200,000 in total available for grants in 2009/10, with grants allocated three times a year. All applications are assessed by officers within the Council's Urban Design and Heritage Unit and reviewed by the Council's Strategy and Policy Committee.

All applications must meet a set criteria and depending on the quantity and quality of applications in each funding round, priority will be given to the following:

- At-risk significant heritage buildings and objects
- Fire protection systems for residential owners
- Funding for professional services (e.g. structural strengthening reports, maintenance reports, conservation plans, archaeological sites assessments, conservation work specifications, or supervision of work, technical advice etc.)
- Projects that have high public access and/or visibility from public areas.

3.6 Plan Change 43 – Heritage Provisions – Notified 4 May 2006

Proposed District Plan Change 43 introduced revised heritage provisions that strengthen the regulatory controls for the protection of the City's historic heritage.

Specifically objective 20.2.1 of proposed Plan Change 43 states that the Council seeks:

'*to recognise and protect the city's built historic heritage*'

This objective is to be achieved in part through identifying, recording and listing the city's significant historic heritage in the District Plan.

The key components of Plan Change 43 are:

1. Redrafted objectives and policies to emphasise the protection of historic heritage in accordance with section 6(f) of the Resource Management Act 1991 and the direction of the Council's Built Heritage Policy.
2. Removal of Controlled Activity provisions, and additions and alterations to listed heritage buildings made a Discretionary Activity (Restricted or Unrestricted, depending on the extent of the modifications to the building).
3. Demolition or relocation of listed buildings or objects made a Discretionary Activity (Unrestricted).
4. New rules controlling the development of non-listed buildings and/or subdivision on the site of a listed heritage building or object to protect the setting of the listed item.

5. Enhanced heritage area provisions including control of the demolition or relocation of identified contributing buildings or structures within a heritage area, subdivision and earthworks.
6. New Chapter 3 provisions outlining the information to be supplied with resource consent applications for work affecting listed heritage items.

The decision on Plan Change 43 was approved by Council 10 July 2007. This plan change is currently under appeal.

3.7 Plan Change 73 – Suburban Centre Review

Proposed Plan Change 73 has, amongst other things, introduced strengthened provisions relating to new development or modifications to existing buildings in Wellington's Centres.

The key components relating to the assessment of new development in the Plan Change 73 are:

1 The introduction of a Discretionary Activity (Restricted) process for the assessment of the new buildings and external alterations/modifications over 100m^2. When a proposed building or alteration/modification to an existing building is located on an identified "primary frontage", resource consent is required regardless of the size of the building.

2 The introduction of "primary and secondary frontages" in Centres which reinforce the "main street" of an area, and requirements for verandahs, display windows and active building edges for all new development.

3 Removal of the Newtown Suburban Character Area provisions*.

4 A new Centres Design Guide to help provide urban design advice for new development. This also includes specific character considerations for certain Centres such as Newtown and Thorndon.

5 Lowered building heights for some Centres.

6 Lowered thresholds for signage and the removal of third party signage as a permitted activity.

7 Strengthened policies relating to urban design principles and appropriateness of new proposed new development in Centres.

Under Plan Change 73, property owners will retain the right to demolish/relocate their building as a permitted activity. This right would be removed if a building was located in a heritage area.

* Under the Operative District Plan Newtown and Thorndon each have provisions and design guides that apply to new development in that particular area. In these areas, the erection of new buildings or new additions requires a Controlled Activity resource consent. In Newtown demolition of a building remained a permitted activity, whereas in Thorndon, demolition is a Discretionary Unrestricted Activity resource consent.

3.8 Key documents

- Suburban Centre Heritage Study - heritage area assessment reports
- Plan Change 43 – Heritage Provisions
- Plan Change 73 – Suburban Centre Review
- Wellington City Council (2005) Built Heritage Policy
- Wellington City Council (2009) Earthquake-prone Buildings Policy

- Wellington City Council (2008) Centres Policy
- Wellington City Council Built Heritage Incentive Fund
- Wellington City Council (2006) Urban Development Strategy
- Wellington City Council (2006) Cultural Wellbeing Strategy
- Wellington City Council (2004) Wellington – Our sense of place: building a future on what we treasure
- District Plan Monitoring Programme (June 2005) – Effectiveness of the Plan relating to Heritage
- Greater Wellington Regional Council (2009) Wellington Regional Policy Statement

4. Background and Consultation

As part of the background research for Plan Change 73 - Suburban Centre Review, monitoring of the Suburban Centres identified that whilst some of the commercial parts of our suburbs have significant heritage values, these values are currently not recognised in the District Plan.

The key finding of the monitoring was that the city's suburban shopping centres are noticeably under-represented in the city's overall heritage listings. At present there are only 16 listed heritage buildings located within the Centres zone (see below).

Table 1: Existing listed heritage buildings within Centres

Centre	Number of listed buildings
Brooklyn	1
Newtown/Adelaide Rd	6
Miramar	1
Northland	1
Thorndon	4
Kaiwharawhara	1
Khandallah	1
Tawa	1
Total	**16**

As a result, a heritage area study was undertaken in February - September 2008. The purpose of the project was to investigate Wellingtons Centre's to determine whether there were any Centres that contained groups of commercial buildings that may warrant identification as heritage areas in the District Plan.

The first part of the study involved surveying every Centre throughout the city to identify which areas warranted more detailed heritage investigation. Ten Centres were identified during the initial survey.

Further research on the wider history of the suburbs was undertaken and site visits were made to ascertain the overall architecture of the buildings located in the areas. This helped to establish important individual buildings and groupings, and identified those buildings that do not contribute to the heritage values of the area.

Historical research was undertaken for each of the identified areas. This provided information on the date of construction, original owner, architect, and subsequent building permits and consents for each of the buildings within the area.

The final result of the study was that seven centres were identified as having significant groups of buildings that would be worthy of heritage area status. These areas were:

- Aro Valley
- Berhampore (Rintoul Street)
- Hataitai
- Island Bay (Shorland Park shops)*
- Newtown
- John Street intersection (Newtown)
- Thorndon village

* Island Bay village is already recognised as a heritage area under Plan Change 58

Following this study, further consideration and consultation was undertaken with building owners (discussed in more in section 4.2 of this report). With the exception of Island Bay Terminus, it was considered that the underlying heritage values of the areas put forward are sufficient to warrant heritage area status. Plan Change 73 therefore recommends proposed heritage areas for the Centres of Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre).

This Plan Change reflects the revised status of the Resource Management Amendment Act 2003, which elevated the status of heritage protection as a matter of national importance under section 6 of the Act.

The Plan Change also reflects the Built Heritage Policy 2005 which sets out the intentions of the Council for the city's built heritage over the next 10 years. Key points in the Policy are the need to strengthen the Heritage Rules and the need to give better protection to groups of buildings in the inner city and suburban areas together with creating more heritage places in the District Plan, in particular, heritage places experiencing development pressure, places which reflect our ethnic and cultural diversity.

4.1 Suburban Centre Review and initial consultation on proposed heritage areas

The Council publicly consulted on the Suburban Centre Review (and the Residential Review) in the form of draft plan changes from 8 December 2008 to 1 April 2009. Specific letters were sent on 18 March 2009, to all property owners who were affected by the proposed heritage areas. Those owners were asked to respond by 20 April 2009.

Council received 77 responses directly relating to heritage matters. Of those, approximately 51% of respondents supported the potential heritage areas, while approximately 40% of respondents did not support the proposals.

The feedback that supported heritage recognition of these areas argued that the buildings provided identity to the various suburbs and gave them a sense of history that was valued. It is noted, however, that those who generally supported the concept of creating heritage areas may not have a direct interest in the buildings identified.

The submitters that opposed the heritage areas considered that they would:

- impose unnecessary costs and regulation on property owners
- prevent owners from being able to adapt their properties to meet future needs
- impact on their private property rights

- increase maintenance costs, and
- affect the value of their land.

Based on this feedback it was agreed that the proposed heritage areas needed further consideration and targeted consultation with property owners. To help work through the concerns raised by property owners, the proposed heritage areas were separated from the Suburban Centres Review. This allowed further consideration of the individual areas and consideration of whether heritage areas were the best way to manage the identified groups of buildings.

In the meantime, the Suburban Centre Review progressed separately and was notified on 30 September 2009 as Plan Change 73.

4.2 Targeted Consultation

In November 2009 a further letter was sent to property owners in the potential heritage areas in Aro Valley, Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) who had contacted Council as part of the Suburban Centre Review consultation exercise. The letter reiterated that their building had been identified as part of a potential heritage area, indicated that Council would like the opportunity to discuss the matter further and invited them to make contact with Council. The main purpose of the letter was to give the owners the opportunity to consider the proposed listing of their property again and to invite further discussion with officers.

Targeted letters were not sent to property owners in the Berhampore (Rintoul Street) area as no response was received in the initial consultation on the Suburban Centre Review.

Targeted letters were not sent to property owners in Island Bay Terminus (Shorland Park Shops) area as a meeting had previously been held in March 2009 with all of the owners (or their representatives) and individual detailed comments had already been received. Officers were satisfied that a clear understanding of the property owners concerns had been gained at that time.

Subsequently, officers met with most of the property owners in Aro Valley, Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) who had expressed opposition to the potential heritage areas. A small number of property owners did not make contact and/or did not meet in person due to time constraints or a reluctance to pursue the issue further. Generally, the reservations held by building owners related to the restrictions that the proposed listing may place on property and that the owners did not believe that their buildings had heritage value.

4.3 Heritage Area implications

As with any plan change, the goal is to achieve public policy objectives while recognising the rights or private owners, and this requires the balancing of competing aims and interests.

In terms of the added responsibility and restriction put in place when a building becomes part of a heritage area, considerable care has been taken in the drafting of Plan Change 43 to achieve an appropriate balance in the package of heritage policies and rules in place and their relationship with other relevant area based provisions (i.e. Centres provisions). It is considered that the rules act sensitively to facilitate the reasonable use of land affected by heritage area.

A heritage area in the District Plan has little effect on the day to day operation and function of businesses within the area. The main effects will be where owners propose alterations or modifications to the exterior of their building.

As discussed in section 3.7, regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres zone provisions. Proposed Plan Change 73 (Suburban Centre Review) has, amongst other things, introduced strengthened provisions relating to new development or modifications to existing buildings in all Centres. That includes a requirement for Discretionary Activity (Restricted) consent for new buildings and external alterations/modifications on an identified "primary frontage", which is in most cases the main street.

All of the heritage areas identified in Plan Change 75 are located on primary or secondary frontages, meaning it is likely that they would need resource consent for external alterations/modifications. The resource consent would include consideration of the urban design quality which would be assessed against the Centres Design Guide.

The creation of a heritage area would additionally mean that building owners would be required to obtain resource consent for demolition, as well as for external alterations and additions, and that these would be assessed against their potential impact on the heritage values of the heritage area in which it sits.

Officers note that this plan change does not introduce any new rules. The proposed Centres heritage areas would be managed under the provisions introduced by Plan Change 43 which apply to all heritage areas. The table below compares the planning controls for heritage areas against the 'Centres' planning controls proposed under plan change 73:

Table 2: Resource Consent requirements

Type of work	**Plan Change 73 Centres zone provisions** ***Requirements for properties located on "primary frontages"***	**Plan Change 75 Centres Heritage Areas** ***Managed using rules introduced by Plan Change 43 (Chapters 20-21 - Heritage)***
Internal alterations	Permitted Activity	Permitted Activity
Repair and maintenance	Permitted Activity	Permitted Activity (if using a similar material or technique i.e. like for like)
Additions and alterations	All works are a Discretionary (Restricted) Activity except: • Work not visible from a public space • Work below verandah level	All works are a Discretionary (Restricted) Activity
Demolition or relocation	Permitted Activity if replacement building is proposed at the same time	Permitted Activity for identified non-heritage buildings Discretionary (Restricted) Activity for all other buildings

In summary the key differences relate to whether:

- additions and alterations are visible from a public space; and
- demolition requires consent for most buildings in a heritage area

The RMA requires that Council manage historic heritage in order to protect it from '*inappropriate subdivision, use, and development*'. Officers consider that the heritage controls outlined above are targeted at the appropriate level to enable Council to consider those works that could potentially compromise the heritage value of the buildings and the wider area.

Officers also note that because of the scale of suburban centres the majority of external additions and alterations will be visible from a public space and would therefore require consent under the urban design controls proposed under plan change 73.

The heritage controls proposed for the Centres heritage areas have applied for four years in the Central Area heritage areas (for example in Cuba Street) and have worked well. Officers have not seen a significant number of very minor or inconsequential resource consents, nor has there been a significant increase in pre-application meetings and heritage queries.

When a building is located in a heritage area, the resource consent process considers and explores how a collective group of heritage buildings can be protected in an appropriate manner. Within a heritage area every building is assessed and placed into one of the following categories:

1. Existing listed heritage buildings
2. Buildings that are not listed heritage buildings but which contribute positively to the heritage area due to their age and character.
3. Buildings (or sites) that have a neutral or negative impact on the heritage area. These buildings are called non-heritage buildings.

Consent is required to demolish or make alterations to buildings (such as a rear extension or rooftop addition) that fall into categories 1 and 2 above, while category 3 non-heritage buildings can be demolished as of right.

Consent is not required for general repair and maintenance and "like for like" changes to a building. Examples of repair and maintenance would include painting, replacement glazing, repair of damaged materials, re-roofing etc. Resource consent would not be required for internal alterations.

The rules contain no prohibited or non-complying activities and the opportunity exists through the discretionary consent processes to seek consent for any work. This means that there is always scope to redevelop heritage items (or within area), albeit in a manner that is sensitive to the heritage values of that item (or area). No type of development or use is foreclosed.

All the areas put forward for proposed listing have been assessed by suitably experienced heritage professionals who have recognised the individual values of each of the items nominated.

The Council is committed to working with the owners of heritage items. Applicants are encouraged to take advantage of the conservation advice and guidance through the pre-application process. Building owners can apply to Council for the standard heritage-focused resource consent fee to be reimbursed (approximately $1100). In addition, the Built Heritage Incentive Fund is available to provide financial assistance for owners of buildings located in a heritage area.

An individual has a choice about whether they purchase a property within a heritage area. It is considered reasonable that this person can access information about what the heritage issue may be e.g. they obtain a LIM for a property, or view the site on a Planning Map to observe whether it is located within a heritage area.

4.4 Strategic importance of recognising heritage areas

It is considered that the recognition and protection of heritage areas are closely linked to the overarching strategic goal of maintaining and strengthening the City's existing Centres. Council considers that it is the combination of activities and functions within Centres working together to deliver a range of environmental, social, economic and cultural benefits for the community which makes Centres (and their heritage buildings) particularly important places within the City.

The health of Wellington's Centres depends on their future vitality and viability which essentially relates to:

- retaining and developing a wide range of facilities and services
- creating and maintaining an attractive environment
- ensuring good accessibility to and within the centre
- attracting continuing investment in development or refurbishment of existing buildings.

A potential threat to the viability and vitality of Centres is poorly designed buildings and places that do not enhance the quality of the public environment. Plan Change 73 has introduced a Centres Design Guide which seeks to ensure that new building development in Centres is of a high standard and that it enhances the characteristics and qualities that contribute to people's sense of place.

Heritage areas play a significant role in the existing urban form in that they offer a different building topology and premises that may be attractive to different types of businesses.

Heritage areas also contribute to the public's understanding of the city's history and awareness of sense of place. They help contribute to Wellington as a creative and memorable city that celebrates its past though the recognition and use of its built heritage for the benefit of the community and visitors and for future generations.

5. Appropriateness of Objectives

Section 32 requires the Council to be satisfied that the objectives of the District Plan are the most appropriate means of achieving the purpose of the RMA. Proposed District Plan Change 75 does not change any of the objectives in the District Plan.

The Plan Change 43 heritage provisions seek to protect the heritage values of the City's built heritage by ensuring the effects of new development are appropriately considered. Objective 20.2.1 reads:

"*To recognise and protect the City's historic heritage and protect it from inappropriate subdivision use and development*".

It is considered that this objective and the associated policies and rules are appropriate for maintaining and enhancing heritage values in the City. Plan Change 75 contributes to these historic values and the objective of recognising and protecting Wellington's heritage.

6. Appropriateness of Policies, Rules and Other Methods

Section 32 also requires the Council to consider whether the policies, rules and other methods used in the District Plan are the most appropriate methods of achieving the Plan's objectives.

The following tables cover 2 options that assess the efficiency, effectiveness and appropriateness of the proposed plan change:

Table 1 - Assessment of the efficiency, effectiveness and appropriateness of proposed Plan Change 75			
Option	**Efficiency and Effectiveness**	**Advantages**	**Costs and Risks**
Option 1 – Do nothing, Status Quo *Do not create heritage areas in identified Centres* *Non-regulatory approach (with or without advocacy and education).* This option is **not recommended.**	Allows for owner autonomy of the future changes to their property. A non-regulatory approach is not an efficient or effective way of ensuring protection of the city's heritage. In the absence of listing, advocacy and education provides the primary alternative method for protecting heritage, particularly on private land. The application of financial incentives is also used to a limited extent. While these methods are useful, they provide no sanction against the destruction or removal of a heritage items. Public ownership can provide greater certainty for the protection of heritage items but it is unrealistic to expect public ownership as a primary means of protection. A non-regulatory approach is unlikely to achieve the Councils key heritage objective of recognising and protecting the city's heritage. Owners can demolish a building without needing to discuss these plans with Council. As a result Council is often in a reactive position when dealing with development proposals affecting heritage. Negotiation with owners may be successful in retaining various heritage elements but without the force of regulation through District Plan rules there is nothing to prevent the eventual loss of items.	No direct constraints on owners or developers to retain heritage items. Certainty for owners and developers over the development potential of their property. The urban design integration and impact of new development is assessed as Discretionary Restricted Activity resource consent under the DPC73 Centres provisions. In some cases there may be reduced compliance costs through not having to seek professional services. A low cost option in terms of financial cost savings associated with making amendments to the District Plan.	Continued possibility of an individual building being demolished thereby diminishing the collective value of the heritage area. Continued possibility of heritage area buildings under threat of destruction or deterioration, placing them at risk to irreversible loss to the wider community. Individual landowners may not be aware of the significance of their building in the area and undertake development that may be inappropriate and lead to a loss of the physical and cultural integrity of the building/area. Diminished sense of place and townscape Loss of community identity and sense of history

Table 1 Explanation

Given requirements to protect identified heritage values, protection through listing in the District Plan provides the most direct means for securing heritage items. If items are not listed there is a real threat that they may be demolished or relocated. There are

other District Plan measures that work to encourage retention such as advocacy and education, but without listing this can not be assured.

Table 2 - Assessment of the efficiency, effectiveness and appropriateness of proposed Plan Change 75			
Option	**Efficiency and Effectiveness**	**Advantages**	**Costs and Risks**
Option 2 – Proposed Plan Change *Creation of Centres-based heritage areas.* *Regulatory approach* This option **is recommended.**	Listing through the District Plan rules has been found to be an efficient and effective means of protecting important aspects of the city's heritage. The listing means that buildings that are subject to potential development must be assessed through a resource consent process. This is not a prohibitive process, but rather a process for consideration and exploration of how the heritage significance of a listed building can be protected in a manner that is appropriate. With the exception of a small amount of individually listed buildings, recognition of a building in the District Plan does not cover management of internal alterations. With regard to the heritage areas identified in Plan Change 75, it is only the exterior that will be managed. Property owners still have scope for refurbishment, renovation and adaptive re-use. Monitoring shows that under listing, few listed buildings are totally lost. Listing therefore directly achieves the Council's objective of recognising and protecting heritage and the regulatory approach provides certainty that items will be protected or where development is proposed it can be appropriately scrutinised.	Development is assessed as Discretionary Restricted Activity resource consent under the DPC73 Centres and DCP43 Heritage provisions. Retains valued buildings in the suburban context that adds to the amenity and sense of place of the area. Defines the character of a Centre Assessment of applications to secure improved design or redevelopment solutions Significant advantages to be had through meaningful consultation at an early stage of a development so that any adverse effects to the heritage values of a building can be mitigated or avoided The collective heritage values of buildings are retained for future generations Ability for landowners to apply for resource consent fee reimbursements and help with maintenance through the Built Heritage Incentive Fund. This is to further encourage the	Potentially less certainty for owners/developers Possibility of delays for owners/developers while waiting for a resource consents to be processed Costs involved for heritage-focused resource consents Possible blighting if listing limits adaptive reuse of buildings Possibly deliberate neglect of buildings through lack of maintenance. Right to demolish a building is removed which may cause a conflict in Earthquake-prone Building Policy

Table 2 - Assessment of the efficiency, effectiveness and appropriateness of proposed Plan Change 75			
Option	**Efficiency and Effectiveness**	**Advantages**	**Costs and Risks**
		retention of heritage features. Retains scheduled buildings in situ for continued use. From the point of sustainability it prolongs the viable life of the building and therefore reduces the need to use further resource to construct new buildings. Areas/buildings of significance that were previously not recorded and researched will be recognised	

Table 2 Explanation

Past history has shown that while there are examples of positive private initiatives to protect heritage e.g. restoration of many inner city residential houses, buildings of heritage value can be lost without listing.

The Council has a long history of listing heritage items through the District Plan rules from the introduction of the first District Scheme in 1972. Since this time there have been ongoing extensions to the list of items and strengthening of the rules. Indeed, Plan Change 72 follows in the footsteps of Plan Change 53 which listed 45 items and one heritage area, and Plan Change 58 which recognised 11 items and two heritage areas.

Amendments have been made to the Resource Management Act that recognise heritage as a matter of national importance (s6) which has been reflected in the Council's Built Heritage Policy and proposed District Plan Change 43 (Heritage Review).

6.1 Summary of Tables 1 and 2

Of the 2 options considered, Option 1, do nothing/do not list/non-regulatory, would not be an appropriate means to achieve the overarching goal of heritage recognition as it does not ensure the future safeguarding of the buildings in the areas that have been identified as having collective heritage value.

The Built Heritage Policy has a clear objective to continue to identify built heritage places and areas with significant heritage value to ensure their protection, promotion, conservation and appropriate use for present and future generations. This coupled with changes to the RMA indicates that there would be an environmental cost of lost heritage values and a social/cultural cost in people's experience if the buildings and objects were lost. If the loss of historic heritage is great it may even equate to an economic cost to businesses and the population, due to changes in people's perceptions of what they like about the city, which would affect whether they visit and spend money in the city.

Option 2, the Proposed District Plan Change regulatory approach is recommended because it is considered to be the most efficient and effective way to protect the heritage areas identified, with the best outcome in terms of the costs and benefits at the environmental, social/cultural and economic levels.

7. The Risk of Acting or Not Acting

The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed approach. In this case, it is considered that there is no significant issue of risk in respect of the information available to support the proposed listings. The areas proposed for heritage areas have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.

8. Recommended Proposed Plan Change

Option 2 is recommended for the following reasons:

- the proposed plan change reflects the intentions and amendments to the Resource Management Act 1991, which made historic heritage a matter of national importance.
- the proposed plan change will implement the Council's the Built Heritage Policy.
- The listing will recognises the collective heritage value of important groups of suburban buildings and will promote their protection.