

APPENDIX ONE

DECISION REPORT OF THE HEARING COMMITTEE

SUBJECT:	PROPOSED DISTRICT PLAN CHANGE 75 – CENTRES HERITAGE AREAS
COMMITTEE MEMBERS:	INDEPENDENT COMMISSIONER ROBERT SCHOFIELD (CHAIR) COMMISSIONERS LEONIE GILL AND IONA PANNETT
DATE OF HEARING:	6 AND 8 DECEMBER 2010

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1. OVERVIEW OF THE HEARING COMMITTEE'S DECISION

This report relates to Proposed District Plan Change 75 (DPC 75) – Centres Heritage Areas.

DPC 75 is a Council initiated plan change that was publicly notified on 25 May 2010. The plan change proposed the creation of 6 suburban centre-based heritage areas in:

- Aro Valley
- Berhampore (Rintoul Street)
- Hataitai
- John Street Intersection (Newtown)
- Newtown
- Thorndon.

A total of 38 submissions and six further submissions were received. Ten submitters attended the hearing and spoke to their submissions. The hearing was held at the Council Offices over two half-days on 6 and 8 December 2010.

The Hearing Committee was made up of independent commissioner Robert Schofield (Chair) and commissioners Leonie Gill and Iona Pannett. The Hearing Committee undertook site visits to the proposed heritage areas prior to the hearing on 23 November 2010.

The hearing was also attended by Council Officers Senior Policy Advisor Sarah Edwards and Programme Manager Julia Forsyth. Heritage consultants Historian Michael Kelly and Conservation Architect Russell Murray were also present at the hearing. At the outset of the hearing Sarah Edwards spoke to the Officer's Report on the plan change.

Ten submitters, Brett Mainey (13), New Zealand Historic Places Trust (14), Robyn Sivewright (15), Aro Valley Community Council (21), John Kelman (23), Laura Newcombe (28), Urmila Bhana (30), Costa Varuhas on behalf of Peter and Theodora Varuhas (31), Howard Eastment (33) and Simon Williams and Blair Rutherford (34) appeared at the hearing and spoke to their submission.

The Hearing Committee deliberated over three sessions from 8 to 22 December 2010.

Having considered the requirements of the RMA and the issues raised in submissions and at the hearing, the Hearing Committee considered that all six of the areas put forward for heritage area listing are an important part of the heritage in Wellington and that including them in the District Plan would allow Council to better manage potential development in these areas in the future to maintain and enhance their historic heritage values. After considering the effect of the Plan Change with those of the existing District Plan rules, the Committee considered that the rules relating to the proposed heritage areas are reasonable and will not render the properties incapable of reasonable use.

The Hearing Committee considered that the heritage areas are consistent with sound resource management practice and in keeping with Part II of the RMA. The plan change is consistent with and firmly founded on the council's strategic and policy direction; it gives effect to the Proposed Regional Policy Statement and sustains Wellington's sense of place, setting, character and compact urban form into the future.

A range of amendments have been made in response to submissions but these do not undermine the intent of DPC 75 as notified. Some of these amendments are in the nature of fine tuning and clarification, but even where they may be more significant, such as excluding a building from an area, they are well reasoned and consistent with the underlying philosophy of DPC 75.

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A copy of the amended DPC 75 is attached as Appendix 2. This has been annotated to reflect the Hearing Committee's recommended changes, following consideration of submissions and evidence presented at the hearing.

After hearing the concerns of many of the submitters who were building owners affected by the Plan Change, the Committee has also recommended that the Council investigate further financial and non-financial incentives to support building owners and also whether it is feasible to increase the Built Heritage Incentive Fund to achieve the outcomes sought by DPC75.

The Committee considers that it is critical to offer incentives as well as regulatory protection to meet overall Council heritage objectives. The Committee recognises the significant responsibilities that go hand in hand with the ownership of heritage buildings and recognise that the public good element of retaining these buildings means that there is some obligation for the Council to contribute to their retention.

2. RECOMMENDATIONS

Based on the Hearing Committee's consideration of all the material before us, including the Officer's Report, submissions, further submissions, evidence presented at the hearing and following consideration of the requirements of section 32 of the RMA, it is recommended that the Council:

1. *Receive the information.*
2. *Approve Proposed District Plan Change 75 with the following additions, amendments and deletions resulting from the consideration of submissions and evidence presented at the hearing:*

Chapter 21 – Heritage Schedule

- (i) *Amend the boundaries of the proposed heritage area maps as shown in Appendices 9-14 to Chapter 21 of the District Plan (refer to Appendix 2 of this report).*
- (ii) *Amend the proposed Aro Valley Shopping Centre Heritage Area listing description to exclude the rear residential building (notified as 3 Devon Street) at 100 Aro Street (Pt Lot 1 DP 676 Town).*
- (iii) *Amend the Chapter 21, Aro Valley Shopping Centre Heritage Area Appendix 9 map listing description to exclude the rear building at 100 Aro Street (Pt Lot 1 DP 676 Town).*
- (iv) *Amend the Chapter 21, Aro Valley Shopping Centre Heritage Area Appendix 9 map listing description to exclude the rear building at 97 Aro Street (Pt Sec 19 City of Wellington).*
- (v) *Amend the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area listing description to exclude 209 and 211 Rintoul Street (Pt Lot 4 DP 823).*
- (vi) *Amend the Chapter 21, Berhampore (Rintoul Street) Shopping Centre Heritage Area Appendix 10 map listing description to exclude 209 and 211 Rintoul Street (Pt Lot 4 DP 823).*
- (vii) *Amend the Chapter 21, Hataitai Shopping Centre Heritage Area Appendix 11 map to exclude the rear building at 24b Waitoa Street (Lot 58 DP 2741).*
- (viii) *Amend the proposed Hataitai Shopping Centre Heritage Area listing description to exclude 17 Moxham Avenue (Lot 46 DP 168).*
- (ix) *Amend the Chapter 21, Hataitai Shopping Centre Heritage Area Appendix 11 map to exclude 17 Moxham Avenue (Lot 46 DP 168).*

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- (x) *Amend the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area Appendix 12 map to exclude the lean-tos located to the rear of 161 Adelaide Road (Lot 1 DP 75713), 163 Adelaide Road (Pt Sec 758 Town of Wellington), 169 & 171 Adelaide Road (Lots 1 & 2 DP 6292) and 187-189 Adelaide Road (Lot 2 DP 1461).*
 - (xi) *Amend the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area listing description to exclude 16 Riddiford Street and 205 Adelaide Road (Lot 1 DP 6783).*
 - (xii) *Amend the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area listing description to identify only upper front façade of 7 Riddiford Street (Lot 3 DP 85556) as a heritage item.*
 - (xiii) *Amend the Chapter 21, John Street Intersection (Newtown) Shopping Centre Heritage Area Appendix 12 map to identify that the rear building of 7 Riddiford Street (Lot 3 DP 85556) as a non-heritage building.*
 - (xiv) *Amend the Chapter 21, John Street Intersection (Newtown) Shopping Centre Heritage Area Appendix 12 map to identify that 17 Riddiford Street (Lot 5 DP 85556) is a non-heritage building.*
 - (xv) *Amend the Chapter 21, John Street Intersection (Newtown) Shopping Centre Heritage Area Appendix 12 map to identify that 19-23 Riddiford Street (Lot 6 DP 85556) is a non-heritage building.*
 - (xvi) *Amend the proposed Newtown Shopping Centre Heritage Area listing description to exclude 14 Rintoul Street (Pt Sec 944 Town of Wellington).*
 - (xvii) *Amend the Chapter 21, Newtown Shopping Centre Heritage Area Appendix 13 map to identify that the public toilets located at 175 Riddiford Street (Pt Lots 1 & 2 DP 349) are a non-heritage building.*
 - (xviii) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 273b Tinakori Road (Pt Sec 517 Town of Wellington) is a non-heritage building.*
 - (xix) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 277-279 Tinakori Road (Lot 1 DP 90018) is a non-heritage building.*
 - (xx) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 287 Tinakori Road (Lot 1 DP 26449) is a non-heritage building.*
 - (xxi) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 310 Tinakori Road (Lot 3 DP 25229) is a non-heritage building.*
 - (xxii) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 318 Tinakori Road (Lot 2 DP 9179) is a non-heritage building.*
 - (xxiii) *Amend the proposed Thorndon Shopping Centre Heritage Area address reference and legal description of 356a Tinakori Road (Lot 1 DP 60706) to 356 Tinakori Road (Unit 10 DP 60611).*
 - (xxiv) *Make minor corrections to legal descriptions of various buildings located in the heritage areas.*
3. *That all submissions and further submissions be accepted or rejected in accordance with recommendations of this Decision Report.*

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4. *That Officers investigate whether Council can further increase the Built Heritage Incentive Fund available to owners of listed heritage items and buildings located within a heritage area and report these findings to Council's Strategy and Policy Committee in due course.*
5. *That Officers explore further incentives and ways in which Council can provide both financial and non-financial support to heritage building owners and report these findings to Council's Strategy and Policy Committee in due course.*
6. *That Officers explore the intersection of various Council policies and incentives as part of the Earthquake Prone Building Policy review to ensure that owners of earthquake prone buildings receive an appropriate level of support to retain their buildings.*
7. *That Officers investigate how the District Plan heritage area provisions can more clearly define the difference between heritage and character buildings and how Council will assess resource consents in a heritage area.*

3. INTRODUCTION AND BACKGROUND TO HEARING COMMITTEE'S RECOMMENDED DECISION

The following discussion sets out the key issues considered by the Committee which have helped inform the Committee's decision making and recommendations.

The Hearing Committee found that Officer's Report was particularly useful in drawing together all the various issues raised for consideration. The issues were clearly set out, thoroughly considered and addressed. The use of building photographs in the report was especially helpful and as a result this Decision Report also follows this format. The Committee also found the background heritage reports were well researched and provided a comprehensive analysis of the heritage values attributed to the six heritage areas being put forward.

As a starting point, the Hearing Committee considered Council's legislative obligations to heritage protection, and acknowledged the Council's responsibilities in providing a clear proactive policy direction. The Committee noted that it was thoroughly covered in the section 32 report, but in summary have considered the following:

3.1 Resource Management Act 1991

In 2003, an amendment to Part II of the Resource Management Act 1991 (RMA) provided stronger recognition for the protection of heritage. The protection of historic heritage was elevated to a matter of national importance under section 6. Section 6(f) specifically requires the Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. Historic heritage is defined to include a wide range of qualities including architectural, cultural, historic, scientific and technological. Previously, it was part section 7 where the 'recognition and protection of the heritage values of sites, buildings, places or areas' was a matter that persons exercising functions and powers under the Act 'shall have particular regard to'.

3.2 Wellington Heritage Policy 2010

Following the legislative changes to the RMA, Council reviewed its approach to heritage recognition and protection in Wellington City. This began with the adoption of the Built Heritage Policy in 2005. The policy has recently been reviewed, with the updated Wellington Heritage Policy coming into effect on 15 September 2010.

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The Council's 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.

Of particular relevance to the Hearing Committee was Objective 1 of the Policy which seeks to continue to recognise built heritage places as essential elements of a vibrant and evolving city. This was relevant because Action 1 identified in the Objective is to:

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

The Committee was of the view that recognising groups of building for their heritage value by listing them as part of a heritage area in the District Plan was appropriate and in line with Council's overarching heritage policy direction established since 2005.

3.3 Earthquake-prone Building Policy 2009

The Committee observed that there is somewhat of a policy conflict between the Earthquake-prone Building Policy 2009 (EQP Policy) and the Wellington Heritage Policy 2010.

Wellington City Council Earthquake Prone Buildings Policy is primarily concerned with ensuring that people who use buildings can do so safely and without endangering their health. Its 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 for upgrade 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 Hearing Committee heard from several submitters who raised concern about their buildings being potentially earthquake-prone and whether it is reasonable for them to retain and strengthen a building which may not be economically viable in the long-term, particularly given the costs of earthquake strengthening. It was evident to these submitters that they are caught by conflicting Council requirements (heritage retention vs. demolition because of earthquake risk). The Christchurch earthquake also featured in discussions and provided a stark reminder of the difficulties territorial authorities, insurance companies, building owners and the public face when managing older buildings that may be earthquake prone.

The Committee noted that the Officer's Report extensively discussed how Council needs to look at how the EQP Policy relates to other Council policies and strategic aims. Whilst relevant to DPC 75, the Committee considers that is neither appropriate nor within the scope of this plan change to recommend policy changes in this regard. Nevertheless, the Committee agreed that a cross-Council review the different roles of the Wellington Heritage Policy 2010, the Built Heritage Incentive Fund and the Wellington City District Plan should be considered collectively as part of the EQP Policy review due for review in this year as part of the forward policy programme. The Council's role in financial and non-financial assistance to property owners was viewed by the Hearing Committee as a very important tool for Council and is discussed in further detail below. Such assistance should be viewed as a key element to the Council's heritage policies, and would be seen as a positive and proactive measure by building owners.

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3.4 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. In addition, Council also has budgeted \$50,000 to waive fees under certain parameters for resource consent for modifications or additions to a listed item or to a building located in a heritage area.

There is currently \$200,000 in total available for grants which are allocated three times a year, on a "first come, first served" basis. To qualify for heritage funding, a heritage building or object must be listed individually, or be part of a heritage area on the District Plan, with the proposed repair work required to demonstrate that it maintains heritage values.

Funding for the grant is secured until the close of the 2011/2012 financial year, at which time it will be reassessed under the long-term plan process. The Hearing Committee are of the strong opinion that this grant should be maintained and preferably increased in value.

It was evident from the submissions that many of the building owners consider the financial cost of owning an old building is great, and in many cases, higher than the value of retaining the building. This view strongly reinforced by almost all those building owners who attended the hearing. Some submitters also raised concern that, although the Built Heritage Incentive Fund is a useful resource, the amount currently available is inadequate to provide city-wide incentives for building work in a meaningful way.

Whilst the Hearing Committee considers that the protection of heritage in the city is important, it strongly felt that restrictions on owners should be balanced with the offering of incentives and assistance to assist owners. The public interest in preserving these areas is strong and so some of the burden of caring for the buildings must be borne by the public. Failing to do this has the potential to produce perverse outcomes, such as owners deliberately not maintaining their buildings because of heritage restrictions or demolishing them. Therefore Council should have funding available to assist owners in ensuring the longevity of the heritage building and its contribution to the area.

The Committee observe that as recently as 2010 (through the Wellington Heritage Policy) Council has committed itself to continued heritage recognition. It has specifically signalled that it is an important priority for Council to identify areas of the city which represent cohesive collections of heritage places, presumably through Plan Change processes such as DPC 75. Given this commitment, the Committee see no point in adding places to the District Plan if the incentive fund available to building owners is not increased commensurately.

The Committee notes that DPC 75 qualifies approximately 145 additional buildings for heritage funding on top of the heritage items already listed in the District Plan. Therefore it recommends that Officers investigate how Council can further increase the Built Heritage Incentive Fund available to owners of listed heritage items and buildings located within a heritage area and report these findings to Council's Strategy and Policy Committee in due course.

In addition, the Committee recommend that Officers explore ways in which Council can provide both financial and non-financial support to heritage building owners. Examples include automatic fee waiver for resource consents, rates relief, rates deferral options, dedicated technical advice and support through the establishment of a "heritage club", and Council-negotiated retail discounts for owners of heritage buildings. These findings should also be reported back to the Council's Strategy and Policy Committee.

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3.5 District Plan Change 43 – Heritage Provisions

District Plan Change 43 (approved by Council 10 July 2007) introduced revised heritage provisions that strengthen the regulatory controls for the protection of the City's historic heritage. The Hearing Committee observed that when a heritage area applies to a group of buildings, consideration of the DPC 43 provisions would also be required in addition to the standard underlying Centres zone requirements (discussed below in section 3.6).

When a building is located in a heritage area, the resource consent process considers and explores how the value of that building to the collective group of heritage buildings can be protected or enhanced in an appropriate manner.

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.

Unless specifically listed, consent is also not required for internal changes to a building located in a heritage area. Currently, the District Plan protects only a limited number of interiors, all of which are within individually listed buildings. Generally, the purpose of the heritage area provisions is to recognise the collective value of a group of buildings and seek to ensure that buildings are not lost from the group. It is for this “collective” and group setting reason that interiors are not included as part of District Plan listed heritage areas. This position may be reconsidered when the schedule of listed buildings is reviewed in the future.

Consent is required to demolish or make alterations to buildings (such as a rear extension or rooftop addition), except for cases where the building (or part of the building) has been identified as “non-heritage”. In the latter case, however, the replacement building would still need to be assessed against the heritage provisions to ensure it was appropriate in the heritage area.

The Committee is comfortable with this heritage rule “overlay” and does not consider that its application (via identification in a heritage area) is overly onerous for building owners. It notes that 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 within a heritage area, albeit in a manner that is sensitive to the heritage values of that item and its area. No type of development or use is foreclosed.

On the whole, the Hearing Committee consider that the DPC 43 provisions 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 and respond appropriately. However, the Committee does draw Officers' attention to two key issues they consider to be of concern and may warrant further clarification:

1. Some heritage areas contain examples of new buildings that have been built to look stylistically old. In most cases, these buildings were identified as “contributing” buildings in DPC75 as notified because they are considered to be in keeping with the character of the area and therefore should be managed in the same way as an authentic historic building. The Hearing Committee have concerns that this perhaps sends the wrong message that faux heritage is encouraged by Council. This matter is addressed later in this report, particularly in regard to the Thorndon Shopping Centre.
2. It is important to understand the critical distinction in the use of “character” in the defining heritage areas as opposed to the more generic management of character within the City's urban fabric.

Many neighbourhoods have a distinct character that is generally well recognised and understood because the buildings have certain qualities that

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are experienced, by and large, from the street and public spaces and play an important role in the city's 'sense of place'. This quality can be experienced at a variety of scales, ranging from the immediacy of adjacent streets and public spaces, to longer distance views across a valley. They do not, however, necessarily include the historic qualities of a heritage area, although such qualities may be a contributing factor to the overall character of the area.

Heritage areas acknowledge collectively and holistically that a group of buildings is rare or unique, representative of a particular style or era and/or authentic. They include places with archaeological, architectural, cultural, historic, scientific or technological qualities. The 'character' of such areas that DPC75 seeks to preserve is drawn not only from the appearance of the buildings but on the intrinsic historic heritage values of the buildings and their collective contribution to the historic heritage values of the immediate neighbourhood and wider City.

The role of "character" buildings in heritage areas that contribute positively to the area but do not have heritage values in themselves is not dealt with in DPC43 or DPC75.

To help clarify these issues, it is recommended that Officers investigate how the District Plan heritage area provisions can more clearly define the difference between "heritage" and "character" buildings and whether improved guidance can be incorporated into the provisions to indicate what is expected from new developments and to ensure that development applications are assessed consistently by Council.

This is discussed in more detail in section 5.1.1 of this Decision Report.

3.6 District Plan Change 73 – Suburban Centres Review

Regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres' zone provisions. The Council Decision on Plan Change 73 was released 29 September and, amongst other things, introduced strengthened provisions relating to new development or modifications to existing buildings in Centres. This included 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 under DPC73. 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 and this would be assessed against the potential impact on the heritage values of the heritage area in which it sits.

The table on the following page summarises the planning controls that apply in the Centres zone and also compares the additional heritage "overlay" provisions that would additionally apply:

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Resource Consent Requirements

Type of work	Plan Change 73 Centres zone provisions <i>Requirements for properties located on “primary frontages”</i>	Plan Change 75 Centres Heritage Areas <i>Managed using rules introduced by Plan Change 43 (Chapters 20-21 - Heritage)</i>
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: <ul style="list-style-type: none"> • 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 if replacement building is proposed at the same time 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 buildings identified as heritage buildings in a heritage area.

It is noted that because of the scale of 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 under Plan Change 73.

The Hearing Committee noted that DPC73 is currently under appeal in its entirety. Given that the urban design requirements were a major component of that plan change, the Committee have been advised by Officers that this is an area that Council will be reluctant to substantially amend through appeal negotiations and therefore the abovementioned the requirements should be treated as applicable for resource consent assessment. Given this position, the Hearing Committee does not consider that the additional heritage consideration under DPC75 in the resource consent process is unreasonable.

4. BACKGROUND AND IDENTIFICATION OF PROPOSED HERITAGE AREAS

Before addressing the submissions and making recommendations, the Hearing Committee would like to touch on the background research and identification of the heritage areas and the consultation with the public and building owners that was undertaken.

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Of particular interest to the Hearing Committee was the fact that the city's suburban 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:

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

The Hearing Committee were surprised by these low numbers of listed heritage stock in the suburbs and consider that the heritage area approach taken in DPC 75 is an efficient tool in addressing this shortfall in the management of the City's heritage.

The Hearing Committee acknowledges the extensive background research and consultation that has been undertaken to determine the extent and form of the identified heritage areas under DPC75. Key points in this process have included:

- A comprehensive heritage area study of all of Wellington's Centres undertaken in February - September 2008 by heritage consultants Historian Michael Kelly and Conservation Architect Russell Murray.
- Seven centres were initially identified as having significant groups of buildings that would be worthy of heritage area status (Aro Valley, Berhampore (Rintoul St), Hataitai, John Street Intersection (Newtown), Island Bay Terminus, Newtown and Thorndon). However, Council's Strategy and Policy Committee agreed in March 2010 not to proceed with the proposed Island Bay Terminus heritage area on the grounds that the area has more modest heritage values compared to the other areas, and given the building owner feedback that was received.
- Council proceeded to publicly consult on the concept of centres-based heritage areas as part of the draft Suburban Centre Review from December 2008 to April 2009. Specific letters were sent on 18 March 2009 to all property owners who were affected by the proposed heritage areas.
- Based on feedback, it was decided to separate the proposed heritage areas from the wider Suburban Centre Review (later to become DPC 73) to allow for further discussions with building owners.
- A second round of targeted consultation commenced in November 2009, with Officers meeting and discussing concerns with most of the property owners who had expressed opposition to the potential areas. This second round of consultation provided useful dialogue between Council Officers and property

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owners (particularly in the John Street Intersection Area), allowing Officers to gain greater insight into their concerns. It did not however result in a significant shift in the position of the property owners who generally maintained their opposition to the proposed heritage areas. The degree to which each owner opposed the proposed areas varied from reluctant acceptance through to a fundamental opposition. All of the building owners contacted in the John Street Intersection Area remained strongly in opposition to the proposal.

- The responses received from the general public and property owners helped shape the form and extent of the areas before they progressed to a notified plan change.

In terms of the consultation exercise described above, the Committee consider the exercise has been thorough, with building owners having adequate opportunity to provide feedback on the proposed areas prior to notification of the plan change in May 2010.

In terms of the heritage values attributed to the nominated heritage areas, the Hearing Committee is satisfied that the heritage consultants' research is robust, with their conclusions justified. As a general comment, however, the Committee recognised the varying quality of the proposed heritage areas, and that some gave the Committee more pause for thought than others. For the Committee, some areas contained highly visible buildings that could easily be indentified for their heritage value, for example, Newtown and Aro Valley. Conversely, Hataitai, for example, does not present an immediately apparent heritage resource, but upon reading the heritage report and visiting the area, it became apparent that the area possesses a certain "unrecognised value" and that appreciation of that value will continue to grow over time. Whilst differences are apparent, the Committee remain confident that all six areas retain heritage value, either physically and/or in their associations and stories and accordingly, should be recognised in the District Plan.

5. SUBMISSIONS, DISCUSSION AND RECOMENDATIONS

District Plan Change 75 was publicly notified 25 May 2010, with the submission period closing 23 July 2010. A total of 38 submissions were received. A Summary of Submissions was prepared and publicly notified 7 September 2010 with further submissions closing 27 September 2010. Six further submissions were received.

The list of submitters is as follows:

Submitter No.	Submitter Name
1	Gin Young
2	Perry Lark
3	Jeremy Smith – The Realm Tavern and Bottle Store
4	Gwyneth Trevor Bright & Timothy HR Bright
5	Francesca Brice
6	Peter Frater
7	Newtown Residents Association (NRA)
8	Mandy Joseph
9	Rosamund Averton
10	Peter James Cox
11	Telecom New Zealand Limited (Telecom)
12	Greater Wellington Regional Council (GWRC)
13	Michael Brett Mainey
14	New Zealand Historic Places Trust (NZHPT)

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15	Robyn Sivewright
16	Alan Joseph Fairless
17	Jacqui Tutt
18	Julia Margaret Brooke-White
19	Lisa Thompson
20	Roland Sapsford
21	Aro Valley Community Council (AVCC)
22	Dominic van Putter
23	John Owen Kelman
24	John Joseph Dunphy
25	Christina van Zanten
26	Emanate Holdings
27	Trustees Virginia Trust
28	Laura Newcombe
29	Naren and Premi Bhana
30	Urmila Bhana
31	Peter and Theodora Varuhas
32	Murray Pillar
33	Howard Anthony Eastment
34	Simon Williams and Blair Rutherford
35	The Architecture Centre
36	Martin Read
37	Estate Nelson Young
38	Brian Main

The list of further submitters is as follows:

Further Submitter No.	Further Submitter Name
FS1	Roland Sapsford
FS2	Keith Clement and others
FS3	Tutaenui Co Limited
FS4	Andrew Forbes Grant
FS5	Christina Claire Mitchell
FS6	New Zealand Historic Places Trust (NZHPT)

The hearing for DPC 75 was held over two days, commencing 6 December 2010 and concluding 8 December 2010. Ten submitters, Brett Mainey (13), New Zealand Historic Places Trust (14), Robyn Sivewright (15), Aro Valley Community Council (21), John Kelman (23), Laura Newcombe (28), Urmila Bhana (30), Costa Varuhas on behalf of Peter and Theodora Varuhas (31), Howard Eastment (33) and Simon Williams and Blair Rutherford (34) spoke to their submissions.

The Hearing Committee observed that the plan change fielded a relatively low number of submitters. Out of 181 building owners directly contacted as part of the plan change notification, only 38 submissions were received in total and some of those submitters did not directly own a building affected by a proposed area. In addition, of those 38 submitters (and 6 further submitters) only ten submitters spoke to their submission.

In reaching recommendations the Hearing Committee have given careful consideration to all the issues raised by submitters, including those raised in evidence by the individuals who appeared before the Committee. The Hearing Committee had access to full copies of all submissions and further submissions, and referred to these during the hearing and deliberation processes.

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In drafting this recommendation, the Hearing Committee has opted to address common submission points collectively in section 5.1. Many of the submission points are outside the scope of this plan change in that they raise concern about resource consenting requirements or other Council policies. The Hearing Committee has not addressed other District plan provisions or other Council policies that have been raised by submitters, but where relevant, has made recommendations that further work should be done to address certain issues. Section 5.2 considers and provides recommendations on the submissions that provided general comment on DPC 75 as a whole. Section 5.3 considers and provides recommendations on submissions on specific proposed heritage areas or that refer to a specific building located in a proposed heritage area.

5.1 Common Submission Points

5.1.1 Heritage verses Character

Several submitters raised concern that the proposed heritage areas contain a number of new buildings that have been designed and built in a replica period style. They were concerned that including such replica buildings (designed more for their character contribution) promotes poor heritage outcomes. Some submitters considered that there is a lack of clarity over the character in the proposed areas and whether Council sought to retain or promote faux-heritage. Other submitters considered that the use of heritage areas would force new developments into “style straitjackets”.

For the Hearing Committee, Thorndon required much consideration on this topic. Thorndon contains many buildings that have been built in the last 20 years and it is recognised that they have taken their design cues from historical architectural styles prevalent in the area. One possible reason for this is that, for many years, Thorndon shopping centre has been recognised in the District Plan as part of the Thorndon Character Area. New buildings proposed in the Thorndon Character Area are assessed using the Thorndon Character Area Design Guide, which contains very directive guidelines on how new buildings should be designed. Another reason is that many property owners, architects and members of the community actually prefer this style of design as opposed to a purely modern style. As a result, there has been a trend towards new buildings following historical architectural styles.

The Hearing Committee did not necessarily consider that the Thorndon replica examples were “wrong” but agreed that the built environment needs to make sense historically and that heritage areas should not become an historical freeze frame. Most of the heritage areas in the plan change are made up of buildings that are from the late 19th/early part of the 20th century, with renovated and infill buildings embodying materials and styles of their time. Having all those times represented in our building stock is an important characteristic of the local sense of place. A building should be chronologically readable and “of its time”.

With this in mind, the Hearing Committee referred to the DPC 43 heritage provisions with the explicit intention of testing whether they encourage faux-heritage outcomes. Specifically, Policies 20.2.1.5, 20.2.1.6, 20.2.1.7 and 20.2.1.8 ensure that additions and alterations are appropriate and that the heritage values of identified areas is maintained and enhanced. The explanation to these policies clearly states that heritage areas may include “contributing” buildings that add to the character and coherence of the area and that “*new development need not attempt to mimic historical architectural styles, but should distil the essential elements of the established character so that new interpretations will be consistent with, and contribute to, the heritage area's established character*”. Accordingly, the Committee is satisfied that the policies do not encourage replication, and concluded that the Thorndon examples may only be a localised outcome in comparison to the rest of the city, and is an outcome that would not occur under the proposed policies and controls.

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Generally speaking, the Committee feels that the Thorndon replications sit well within the area. The new buildings make up a good proportion of the immediate area and make a significant contribution to the perceived character of the area and the visual quality of the streetscape. However, the Committee was concerned that if they remain identified as contributors to the heritage area, it could signal that the Council approves of such an approach, when the District Plan proposed design guides clearly do not.

Given this conundrum, the Committee then looked at how Council identifies new buildings in historic areas. Currently, as part of the heritage area criteria, the assessment considers each building in the group and places it 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 (i.e., 'contributing buildings').
3. Buildings (or sites) that have a neutral or negative impact on the heritage area. These buildings are called non-heritage buildings (or 'non-contributing buildings').

The heritage policies and rules are drafted so that 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.

The Committee found that under these categories there is no way of distinguishing non-heritage buildings from new buildings that may be in keeping with the area, but have no "heritage value" per se. In particular, in Thorndon, the Committee recognised that a number of new buildings that were designed to be "in keeping" with the predominate Thorndon heritage character and were originally included in DPC75 as contributing buildings because they were considered not to detract from the character of the area (even though they did have heritage value as such). In this regard, perhaps they should be categorised as "non-detractors" in that their design did not detract from the general "character" of the area rather than make a contribution to the historic heritage values of the Thorndon shopping centre.

The Committee remain clear that the heritage areas put forward have collective values that are more than just streetscape facade, and recognises that the buildings are important holistically. Heritage areas acknowledge groups of buildings for their rarity, representative value of a particular style or era and/or their authenticity. They include places with archaeological, architectural, cultural, historic, scientific or technological qualities. These qualities contribute towards the overall historic heritage character of each of the heritage areas.

These values are not only found in the front and side elevations of a building, but also in the roofscape and rear of a building. It is noted that the rear of buildings are often an underappreciated element of a building heritage fabric and can contain important historic representations, for example outhouses, stables and storerooms. Where the Committee have recommended the exclusion of the rear extension or lean-to from the heritage area, this is based on several factors including; age, condition, use, importance and relationship with the main Centre and its severability from the main part of the original building. Specific examples are discussed in the relevant sections of this Decision Report.

The Committee notes that Wellington City Council has made a concerted effort in recent years to move away from "character areas" and that the use of heritage areas offers better management options and more positive development outcomes. However, the Committee does consider that these particular issues could be explored further and recommends that Officers investigate how the heritage provisions can identify and further categorise "non-detracting" new buildings in heritage areas.

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The Committee considered that this issue is closely linked with how the heritage provisions are implemented through the resource consent process. A consistent assessment and decision making process by Resource Consents and Heritage Officers is crucial step in ensuring that the heritage area is considered holistically. Therefore, a further recommendation is that Officers investigate whether additional guidance can be incorporated into the heritage provisions to clearly stipulate that when new development is considered, the effect on the whole building and its vicinity is assessed, not just the façade.

5.1.2 Earthquake Prone Buildings Policy 2009

This matter is discussed in section 3.3 of this report, but in summary, the Hearing Committee heard from several submitters who raised concern about their buildings being potentially earthquake-prone and whether it is reasonable for them to retain and strengthen a building which may not be economically viable in the long term. These submitters considered that they are caught by conflicting Council requirements: heritage retention vs. demolition because of earthquake risk.

Whilst relevant to DPC 75, the Committee felt that is not appropriate or within the scope of this plan change to recommend EQP policy changes. Nevertheless, the Committee agreed that a cross-Council review of the different roles of the Wellington Heritage Policy 2010, the Built Heritage Incentive Fund and the Wellington City District Plan should be considered as part of EQP Policy review due to commence in March 2011 as part of the policy programme.

5.1.3 Public good versus private cost to owners

Many of the property owners who submitted and those who spoke to their submission at the hearing raised concern about the cost of owning and maintaining older buildings and feel that heritage area protection would add to this cost. Many submitters considered that it appeared that the Council was achieving its aim of protecting the city's heritage, but this was at the expense of private property owners who continued to carry the cost of upkeep on these buildings and at the expense of potential redevelopment opportunities. The Committee was also told by a number of property-owners that the economics of owning buildings in suburban centres were often marginal, and that any additional costs were proportionately greater.

The Hearing Committee was of the view that heritage protection is important as it provides communal public benefit which can also have potential economic spin-offs for owners of private property located in heritage area. In reaching this view, the Committee especially noted the evidence presented by the New Zealand Historic Places Trust which referred the American economist and heritage advocate Donovan Rypkema who measured the multiple economic contributions of heritage conservation.

The Committee considered that a localised example of the economic benefits of maintaining and protecting heritage buildings was Jackson Street in Petone. Jackson Street has revitalised over time which in turn has seen greater public and private investment in the area. The Hearing Committee were in no doubt that presence of older buildings was a major draw card to this area.

Based on these conclusions, the Hearing Committee did not accept that private owners are solely shouldering the cost of public heritage protection. They considered that rate and taxpayers also contributed by way of infrastructure investment and upgrade which enviably leads to flow on effects for private property owners.

However, the Hearing Committee felt that greater Council assistance in terms of financial and technical support could be provided. In this regard, it recommends that Officers investigate how Council can further increase the Built Heritage Incentive Fund available to owners of listed heritage items and buildings located within a

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heritage area and report these findings to Council's Strategy and Policy Committee in due course.

In addition, the Committee recommends that Officers explore alternative incentives and ways in which Council can provide both financial and non-financial support to heritage building owners via other mechanisms. Examples include automatic fee waiver for resource consents, rates relief, rates deferral options, dedicated technical advice and support through the establishment of a "heritage club", Council negotiated retail discounts for owners of heritage buildings etc. These findings should also be reported back to the Council's Strategy and Policy Committee.

5.1.4 Compensation for building owners

Several submitters considered that Council should provide financial compensation to building owners affected by the proposed areas, or that Council should purchase buildings it considered worthy of heritage protection.

The Committee did not accept this position and considered that proposed heritage areas do not render the buildings incapable of reasonable use and that significant opportunity remains in the building stock for adaptive reuse and sensitive redevelopment.

5.1.5 Impact on private property rights and development potential

Many submitters considered that the proposed heritage areas would impact on private property rights and that DPC75 was an anti-change, anti-business and anti-progress initiative. These submitters felt that the proposed heritage areas would undermine the value of the properties and that they would experience difficulties in the future in on-selling their properties.

Some building owners pointed out that they had purchased their property as investments or with the expressed purpose of redeveloping their site. They considered that the proposed heritage area would adversely impact on their investment and development plans.

Other submitters considered that many of the buildings identified in the proposed areas had reached the end of their economic life and therefore owners should not be prevented from demolishing their building by heritage protection.

The Officer's Report pointed out that the Council sees Wellington's historic heritage as a precious and finite resource that it has an obligation to protect. The areas put forward represent collective values which tend to be more than just individual building values alone. The Hearing Committee agreed with these points. The Committee also agreed with the Officer's Report that reusing and adapting existing building stock is more sustainable than demolishing and constructing new buildings.

Despite hearing that many building owners had owned their property for many years, in some cases for decades, the Committee heard that their buildings were in state of disrepair. The Committee did not accept that a lack of maintenance is a reason for stating that a building has reached the end of its economic life or that its heritage values should not be protected.

The Committee noted that regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres zone provisions under Plan Change 73. This includes a requirement for Discretionary Activity (Restricted) consent for new buildings and external alterations/modifications on an identified "primary frontage". 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 anyway. The resource consent would include consideration of the urban design quality which would be assessed against the Centres Design Guide. The Committee observed that Plan Change 73 is currently under appeal, but have been advised by Officers that Council will be reluctant to

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substantially amend the urban design requirements through appeal negotiations and therefore the abovementioned the requirements should be treated as applicable for resource consent assessment.

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 these consents would be assessed against the potential impact on the heritage values of the heritage area in which it sits. The Hearing Committee considered this additional aspect of resource consent requirement (i.e. whether or not demolition is acceptable) is not an unreasonable burden. The consenting process allows the opportunity for applicants to state their case e.g. using recognised RMA arguments such as the building is economically unsustainable, the replacement building will make a positive contribution to the area etc.

5.1.6 Marginal retailing locations

Some submitters considered that the proposed heritage areas represent marginal retailing locations that are typically run down and poorly maintained.

The Hearing Committee acknowledged that not all the areas put forward are retail and service destinations. This was especially apparent when considering the Berhampore (Rintoul Street) heritage area which tends to act as a convenience stop for the local neighbourhood. However, the Committee noted that areas were not identified for their shopping vitality, rather their historical links and the important buildings that remain. Therefore, Committee did not accept that just because an area is currently economically stagnant, its heritage value should be ignored. There are many local, regional and national examples of where previously declining clusters of shops have flourished through new ideas and investment and consider that DPC75 areas are capable of similar regeneration and that in some cases heritage protection can be the trigger for that regeneration.

5.1.7 Increased cost of insurance

Some submitters raised concern that the proposed heritage area may impact on insurance premiums.

The Officer's Report detailed that Officers have been keeping a watching brief on this topic and have no reason to believe that insurance premiums would rise as a result of being identified in a heritage area.

The Hearing Committee were satisfied with that response, and therefore accepted that heritage areas would not create insurance cover problems for building owners over and above the cost of owning an old building in general.

5.2 General Submissions

Submissions and discussion

Submitter 9 (Rosamund Averton) supported DPC 75 and sought that it is adopted with certain additions as described below:

- The plan change should be extended to include the creation of a waterfront heritage area from Aotea Quay to the Port Nicholson Yacht Club.
- The current backlog of items awaiting heritage assessment should be remedied. A small team of dedicated qualified heritage architects/planners should be established to ensure that this unfair situation is remedied promptly.
- A community consultative heritage committee should be established to ensure suitable renovation and protection of historic heritage buildings, structures,

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vegetation and sites.

- Any additions to historic heritage buildings must be congruent in colour, style and location of the original building or structure.
- A statement should be included that clearly states where Centres Heritage Areas fits in relation to the New Zealand Coastal Policy Statement, Regional Coastal Plan, Historic Places Act and the ICOMOS Charter.
- The District Plan should protect all or any historic heritage stock whether owned by the Council, Port Authority, OnTrack, or by any other private, commercial bodies or individuals until such time as Council has completed a full audit of each Wellington suburb to ascertain the historical record and provide protection from demolition or removal from a site of a heritage buildings and or structures.
- A register of mature, visually prominent trees and bush should be established, with the ultimate goal that all vegetation is afforded the protection of the District Plan. A separate recording system should be established and encouraged; whereby all new flora are recorded for posterity.
- Heritage trees felled on purpose or inadvertently, should be replaced within a reasonable time with a large tree of the same species. The original tree should be memorialised as above.
- All heritage buildings and structures demolished with consent and after public notification should be memorialised with a plaque which is visible from the street. This plaque should be paid for by the demolisher; who should also be responsible for the erection of a map-board/legend telling the history of the site and of the demolished building or structure.

The support of submitter 9 for Plan Change 75 is acknowledged and accepted by the Hearing Committee; however most of the additional requests made in the submission are outside of the scope of this plan change or require political or strategic direction and therefore cannot be addressed through this process.

Submitter 12 (Greater Wellington Regional Council) supported DPC 75 and considered that it is generally consistent with the Operative Regional Policy Statement (1995) and the Proposed Regional Policy Statement (2009) (PRPS). The support of submitter 12 is acknowledged and in this regard the submission is accepted by the hearing Committee.

In its written submission, **Submitter 14 (New Zealand Historic Places Trust)** supported DPC 75 and considered that the heritage area assessment reports contained a thorough examination of the heritage values of the commercial buildings in these areas, offering compelling argument for their protection. NZHPT was supportive of the requirement to gain discretionary resource consent for the demolition of any building protected in the identified heritage areas.

At the hearing, Planning Heritage Advisor Sacha Walters and Architect Heritage Advisor Alison Dangerfield spoke to NZHPT's submission. Ms Walters discussed historic protection under the Historic Places Act 1993 and the RMA and the benefits of heritage area protection. Specifically concerning DPC75, Ms Dangerfield discussed the varying mix of heritage areas and that they would increase in character and value with age. She explained that there was also a place for carefully designed new buildings.

The Hearing Committee were particularly interested in Ms Walters reference to international economist and heritage supporter Donovan Rypkema who advocates that heritage protection provides communal public benefit which can have potential economic spin-offs for property owners.

The Hearing Committee had specific questions regarding the varying quality of the areas, as well as questions regarding some areas that are struggling economically.

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Ms Dangerfield acknowledged that deferred maintenance can detract from an area, but emphasised what the area could become in the long term: for example Jackson St in Petone. She explained that Jackson Street had languished for many years but has improved and there has been a steady revival of the place, including the buildings.

Ms Dangerfield explained that buildings in a poor state can be repaired and as a result “people want to be there”: for example, Thorndon cottages, Te Aro bypass buildings and Government House. She stressed that people should not be discouraged by the state of buildings, as a good tradesperson can bring a place back to life.

In terms of economic issues, Ms Walters conceded this is a problem throughout New Zealand and that the NZHPT are looking at ways that building owners can be incentivised and is advancing this with central government. She explained that the costs associated with demolition and rebuilding can be high (embodied energy, financial and environmental), but that adaptive reuse of buildings is hugely important. The John St Intersection area was used as an example where the supermarket may prove to be an asset to the area and that the heritage buildings need to be viewed as an opportunity, not just a problem.

The Committee were also particularly interested on NZHPT’s views on “new heritage” buildings (in Thorndon) and whether these should be included if they are obvious replicas.

Ms Dangerfield emphasised that new buildings should always be distinguishable if possible. Some periods of history have favoured the “visual vocabulary” of the area, where as other eras, such as the 1960s, have been distinctly different. What is crucial is scale and ensuring that the buildings do not dominate the heritage buildings of the area. Buildings that do not necessarily fit in an area can be readily altered: for example, aluminium windows can be replaced with more in keeping wooden examples.

Ms Dangerfield was of the view that although they are often difficult to read as modern versions, the new “character” builds in Thorndon contribute to the area and reinforce heritage for the general public. She considered that these buildings should not be excluded because it opens up uncertainties in what can be built there in the future. NZHPT do not promote faux heritage and consider that replication is not necessary when modern building design can be perfectly acceptable in a heritage area.

In terms of the character vs. heritage issue, Ms Dangerfield explained that “character” is a collective word and lay-term that is generally easily understood, but physical and social “values” of building are important too. She believed that internationally, faux-heritage architecture does not seem to be common in areas of heritage value.

The Hearing Committee found submitter 14’s submission and evidence particularly useful, especially the reference to Donovan Rypkema’s work. The support of submitter 14 is acknowledged and in this regard the submission is accepted by the Hearing Committee.

Submitter 35 (The Architecture Centre) opposed the plan change in its notified state, but did support the intention behind it. No member of the group spoke to its submission at the hearing.

Amongst other things, the submitter considered that DPC75 had confused character buildings with actual heritage buildings; the proposed heritage areas represent marginal retailing locations and that there is no real financial incentive for owners to renovate their buildings.

The submitter would also like to see various buildings recognised in Brooklyn and consideration given to the mix of buildings in Kilbirnie. Other areas the submitters consider worthy of inclusion are Miramar, Seatoun, Karori and Kelburn.

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The submitter also suggested a number of amendments to the proposed heritage areas.

The Hearing Committee considered that Submitter 35 has made some valid points about what should be classed as heritage, but did not accept that the plan change does not recognise enough contemporary architecture in the city. The Committee noted that the District Plan does recognise modern buildings on the heritage list (for example, the Beehive (1970), the National War Carillion (1960-1964), Futuna Chapel (1961), Athfield House (1966), Racing Conference Building (1961) etc) and that further contemporary buildings have been added as part of Plan Changes 53 and 58 (for example, the Khandallah Library (1953), Lilburn House (1951), Hazel Court Apartment Building (1954-56), Lang House (1952) and the Wellington Cathedral of St Paul (1954-1998)). The Committee understands that the heritage team is continuing to identify and promote the listing of post World War II buildings as part of their on going work programme.

Their points regarding character vs. heritage, building owner support and financial incentives etc are addressed under the common submission points in section 5.1 of this report. The submitter's comments on the heritage areas are addressed under the area specific discussion in section 5.3.

In response to the submitter's suggestion that other shopping centres should be considered or included in the plan change, the Hearing Committee noted a thorough survey was undertaken of every Centre throughout the city to identify which areas warranted more detailed heritage investigation. Initially, ten Centres were identified for further investigation during survey and this did include Brooklyn and Kelburn. Other areas such as Berhampore (Adelaide Road), Miramar and Seatoun were not found warrant further investigation.

Based on this research, the Committee did not accept that further investigation needs to be given to the shopping centres put forward by the submitter.

Submitter 36 (Martin Read) supported DPC75. This support is based on the following:

- The heritage areas are a natural result of the alignment of Acts, policies and 'tools' to protect Wellington's heritage.
- The low number of objections to the proposal which would allow for the assumption that a large amount people support the proposal. The concerns raised by those that did not support the proposed areas have been already eliminated or can be minimised.
- The small number of buildings being impacted by the plan change, and the low level of the impact of the plan change (i.e. the total proposed suburban centre heritage areas amount to less than 0.2% of the total rating units in Wellington). There are only 3-4 comparable 'areas listing in the District Plan. All of the areas identified are located on primary or secondary frontages meaning resource consent would be required for external changes. Building owners can apply for resource consent fee reimbursement.
- The value of a heritage area compared to individual heritage listings - an individually listed building is not restricted on replacement (should the building be lost). In an area, a replacement building can be designed in sympathy to the rest of the area. Heritage status can create greater pride in an area, foster greater community spirit and raise property values (e.g. Tarikaka Street, Ngaio).
- The Adelaide Road area heritage value and risk. The submitter provides a historical overview of 169, 171 and 175 Adelaide Road which were built by the submitter's ancestor. Redevelopment plans for Adelaide road could impact on the buildings, should the area not proceed.

The support of Submitter 36 is acknowledged and in this regard the submission is accepted by the Hearing Committee.

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Recommendations

Accept in part submission 9 insofar that it supports proposed Plan Change 75. For the reasons outlined in the discussion, additional comments/amendments are noted, but changes are not considered to be appropriate or within the scope of the plan change.

Accept submission 12 in so far that it supports proposed Plan Change 75.

Accept submission 14 in so far that it supports proposed Plan Change 75.

Reject submission 35 in so far that it opposes proposed Plan Change 75.

Reject submission 35 in so far that it seeks that Brooklyn, Kilbirnie, Miramar, Seatoun, Karori and Kelburn are considered and/or included as part of the Plan Change.

Accept submission 36 in so far that it supports proposed Plan Change 75.

5.3 Submissions that refer to a specific building located in a proposed heritage area or the creation of proposed heritage area as a whole

5.3.1 Aro Valley Shopping Centre Heritage Area

In total 10 main submissions and five further submissions were received on the proposed creation of a heritage area in Aro Valley. Of those submissions, nine submissions were in support and five submissions were in opposition to the proposal. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

Two Aro Valley specific submitters spoke to their submissions at the hearing: Robyn Sivewright and the Aro Valley Community Council.

Submissions in support and discussion

Specifically **submitters 4 (Gwyneth Trevor Bright), 15 (Robyn Sivewright), 16 (Alan Joseph Fairless), 17 (Jaqui Tutt), 18 (Julia Margaret Brooke-White), 19 (Lisa Thompson), 20 (Roland Sapsford) and 21 (Aro Valley Community Council)** all supported the proposed heritage area.

In general, the main points of these submissions are as follows:

- The heritage area will help to conserve the early 19th century streetscape
- The heritage, character and amenity value of the Aro Valley suburban centre is significant both in its own right and in its contribution to the character, amenity and heritage values of Aro Valley as a whole.

Although not part of this plan change and therefore outside of scope of the Committee's consideration, some of these submitters did raise concern about the resource consent granted at 85 Aro Street, public notification of resource consents in Aro Valley, the extension of the commercial zoning in Aro valley (under DPC 73), potential impact on insurance cover and financial incentives for building owners.

Submitter 35 (The Architecture Centre) supported the intention behind the plan change but suggested that it be revisited and that 93a and 97 Aro Street be removed from the proposed area and that 3 Epuni Street and 3-5 Devon Street are included in the proposed area. This submission was opposed by **further submitter FS1 (Roland Sapsford)**.

The Hearing was attended by submitters 15 and 21.

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Specifically concerning submitter 15's (Robyn Sivewright) submission, the Officer's Report stated that it was seeking to remove the rear the infill two-storey residential property at "3 Devon Street" from the proposed area. At the hearing, Ms Sivewright spoke to her submission and explained that the Officer's references were incorrect.

Ms Sivewright owns 100 Aro Street which contains a rear residential building which has been mistakenly identified as "3 Devon Street" in the plan change and "1 Devon Street" in the Officer's Report. The notified plan change also incorrectly references the land title for this building. This rear residential building was built in the 1980s and replaces an old stable. The building has the same address and title as the front building (100 Aro St). Ms Sivewright requested that the correct land title is referenced and disagreed with the Officer's Report recommendation to exclude the rear residential building from the heritage area and requested that it is included, as initially notified in the plan change.

She also considered that identification in a heritage area can have insurance implications for commercial buildings and that Council will need to address this issue.

The Hearing Committee did not agree that this rear residential building should be included in the area. It considered that the building does not have a strong relationship with the commercial buildings fronting Aro Street and that the character does change from commercial to residential at this point. The Committee was of the view that it is appropriate to exclude the property from the proposed Aro Valley area and therefore, reject this part of submitter 15's submission. This decision consequently negates the need to correct the land title reference for this building. An updated area description and map showing this exclusion is contained in Appendix 2 of this Decision Report.

Given the above position, Submitter 35's (The Architecture Centre) request that 3 Epuni Street and 3-5 Devon Street are included in the proposed area is rejected.



Jane O'Loughlin spoke on behalf of submitter 21 (Aro Valley Community Council). Ms O'Loughlin conveyed that the AVCC were very pleased to see heritage protection for the Aro Valley shops and that that the heritage area identification would not be particularly onerous for building owners. She briefly discussed insurance cover for building owners and encouraged Council to continue to monitor potential changes in the industry. Ms O'Loughlin emphasised that the AVCC would like to see public input for significant development proposals in Aro Valley and that private ownership rights need to be balanced against the public good. She also thought that the character of the area attracts new businesses and referenced three shops have recently been sold even though the heritage area was proposed.

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In terms of the AVCC's (and others) points made on notification of resource consents in Aro Valley, the Committee noted that most resource consents are processed on a 'non-notified' or limited-notification' basis. Given the enhanced focus on urban design considerations by way of new and improved design guidance in the District Plan, the Committee was comfortable at this stage that resource consents are processed this way and noted, that if necessary, there is discretion for Council to publicly notify a resource consent if there were potential wider issues. It is noted that the way resource consents are notified through the use of delegations is currently under review and to this end there may be changes in the number of consents notified. In addition, the issue of greater public involvement by way of possibly establishing reference groups was canvassed as part of a Thorndon Heritage Study paper presented to Council's Strategy and Policy Committee in August 2010. The Hearing Committee understand that through that process Officers will give consideration to the question of whether there is a need to establish a city wide advisory group on heritage and urban design issues at some point in the future.

In any case, the support of submitter 21 is acknowledged and in this regard the submission is accepted by the hearing Committee.

In his written submission, submitter **20 (Roland Sapsford)** requested that the heritage assessments circulated as part of the draft Suburban Centres Review (later to become DPC 73) be included in the Centres Design Guide so they can be used as part of the resource consent process. The Officer's Report explained that it is Councils' intention to include these heritage summaries as appendices to the Centres Design Guide. However the timing of DPC73 and DPC75 mean that these cannot be aligned at this stage. The decision on DPC73 was notified 29 September 2010, with 14 appeals received (including one on the Centres Design Guide). However, given that no decision has been made on the future of the proposed heritage areas that form part of this plan change, it is not appropriate to include the heritage summaries for the areas as appendices to the Centres Design Guide at this stage. The Hearing Committee understands that Council will add these heritage summaries to the Centres Design Guide at a later date. In the meantime however, it is considered that the Centres Design Guide will provide effective advice for new development proposed in any one of the potential heritage areas.

Specifically concerning the proposed development to the rear of the fish and chip shop at 85 Aro Street, the Hearing Committee note that this resource consent was granted prior to the notification of DPC73 (Suburban Centres Review) and DPC75. Given that the development is yet to commence, new resource consent will now be needed that takes into account the requirements of these plan changes. This means the proposed development will need to be reassessed using the new Centres Design Guide and will also need to take into account the impact it may have on the heritage values of the area.

Regarding the proposed rezoning of the ex-service station site at 68-70 Aro Street and the residential properties at 72, 76 and 82 Aro Street from Inner Residential to Centres, the Committee note that this decision has been made under DPC73 and is currently challenged by way of appeal by the submitter. This issue will be dealt with under the DPC73 process and it is not considered appropriate for the Hearing Committee to comment on that proposal as part of this Decision Report.

Submissions in opposition and discussion

Submitter 5 (Francesca Brice) and further submitters FS2 (Keith Clement and others), FS3 (Tutaenui Co Limited), FS4 (Andrew Forbes Grant) and FS5 (Christina Claire Mitchell) are all opposed the proposed Heritage Area. None of these submitters spoke to the hearing on their submissions.

In general, the main points of these submissions were as follows:

- DPC75 is anti-change, anti-business and anti-progress and adds more red tape which will contribute to the decline of Aro Valley

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- The plan change will give Council and individuals associated with Council too much power
- The plan change will negatively impact on private property rights, increase cost of insurance and compliance costs
- DPC75 will prejudice redevelopment of land. It should be up to owners to preserve their property if they wish
- Council should compensate building owners
- There are few supporters of DPC75 who actually own land
- The proposed heritage areas represent marginal retailing locations
- The area will become an enforced environment, dictated by style restraints and devoid of character or life.
- The non-contributing building owners are at an unfair advantage and DPC75 does not treat all rate payers equally. If all building owners had responded unsympathetically they would also be excluded
- The inclusion of additional Aro Valley land as Centres is nonsense. The land contains no heritage and will lead to Council demanding more mock and pretend architecture.

In particular **FS3 (Tutaenui Co Limited)** considered that 83 and 97 Aro Street do not warrant heritage status.

In response to these submission points, the Hearing Committee notes that most issues have largely been addressed in the common submission points section 5.1 of this Decision Report. However, the following additional comments were made in the Officer's Report and are reemphasised by the Hearing Committee:

The Committee do not consider that the proposed area will erode that sense of community or indeed hinder building owner ability to adapt their properties to their changing demands as they have traditionally done. The Committee acknowledges that most building owners in the area have been sensitive to the heritage values of the area and this is demonstrated in the quality of the incremental changes that have been made. The Committee considers that the heritage area will add to this momentum and provide opportunities for building owners to work with Council to achieve even better outcomes which will be of benefit to all. As discussed throughout this Decision Report, it is not considered that the proposed heritage area will mean that buildings are frozen in time and that owners would not be able to modify their building in the future. The heritage area means that building owners need to work with Council so that a balance is struck that allows adaptations to properties that are sensitive and appropriate to the heritage values. This does not mean however, that new additions must be a pastiche of original design: modern design and building materials can be quite acceptable.



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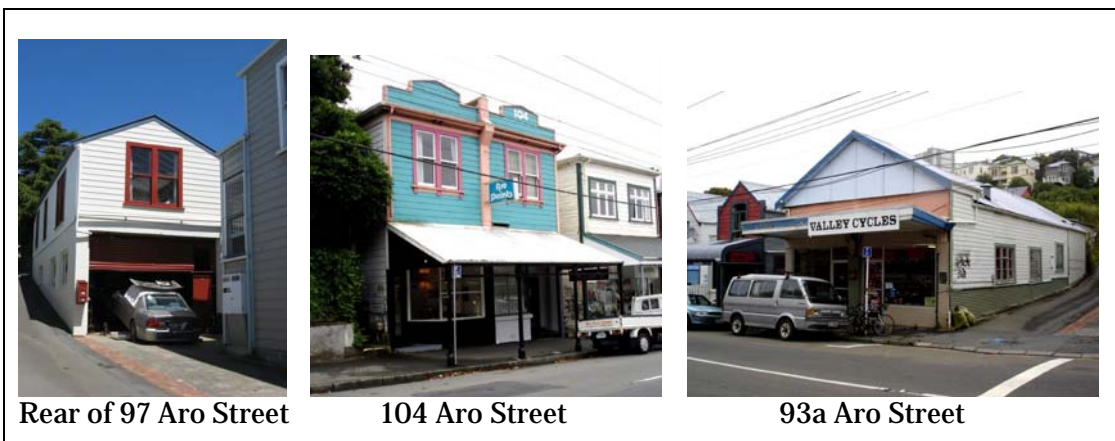
Specifically concerning the points made by further submitters **FS3 (Tutaenui Co Limited)** and **FS4 (Andrew Forbes Grant)** that 83, 97 and 104 Aro Street have been extensively modernised and do not warrant heritage status, this position is not accepted by the Hearing Committee.

83 Aro Street (Aro Bake) was built in 1889 and has been renovated and altered over time. The Committee acknowledged that these renovations were made using modern materials that have changed the original appearance of the building, but overall felt that the building is situated in an important central location in the heritage area and that it retains enough heritage integrity to justify its inclusion.

The front building at 97 Aro Street (Aro Video) was constructed in 1897 and has seen various changes over the years. The Committee felt that the building's longevity is historically important to the shopping centre and its central position and smart appearance continue to make a positive contribution to the area. The Officer's Report identified that the rear modern office and house at 97 Aro Street had been mistakenly included within the boundaries of the area and recommended that this should be removed. The Hearing Committee agreed with the Officer's Recommendation and the request of **submitter 35 (The Architecture Centre)** to remove this rear building at 97 Aro Street. An updated map showing this change is contained in Appendix 2 of this report.

104 (and 106) Aro Street is a semi-detached building that was constructed as a house around 1894. In 1909 the buildings were extended to the footpath and converted to shops and upstairs residences. The Committee considered that these late Victorian buildings continue to make a valued contribution to the proposed area and it is not accepted that they do not retain heritage value.

Submitter 35 (The Architecture Centre) also requested that 93a Aro Street (framers and hair dressers) be identified as a non-heritage building in the area. This is a large single-storey commercial building that was originally constructed in 1900. It has seen much alteration over time, but on balance it is considered to still retain sufficient heritage fabric and historic connection to warrant inclusion in the proposed area.



Recommendations

Accept submissions 4, 15, 16, 17, 18, 19, 20, 21 and further submission FS1 insofar that they support the proposed Aro Valley Shopping Centre Heritage Area.

Reject submission 15 insofar that it requests that the rear residential building at 100 Aro Street is included in the proposed Aro Valley Shopping Centre Heritage Area.

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Reject submission 35 insofar that it requests that 3 Epuni Street and 3-5 Devon Street are included in proposed Aro Valley Shopping Centre Heritage Area.

Accept submission 35 insofar that it requests that the rear property at 97 Aro Street is identified as non-heritage by way that it has been removed from proposed Aro Valley Shopping Centre Heritage Area.

Reject submission 5 and further submissions FS3, FS4 and FS5 insofar that they request that Council withdraw the plan change in respect of Aro Valley.

Reject further submission FS2 insofar that it requests that Council withdraw Plan Change 75.

5.3.2 Berhampore (Rintoul Street) Shopping Centre Heritage Area

In total 3 submissions and one further submission was received on the proposed creation of a heritage area in Berhampore (Rintoul Street). Of those submissions, one submission was in support and one submission was in opposition. One submitter was neither supportive nor opposed to the proposed area.

One Berhampore specific submitter spoke to their submission at the hearing.

Submission in support and recommendations

In general, the main points of **submitter 7 (Newtown Residents Association [NRA])** were as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.
- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

The Committee notes and accepts the support of **submitter 7 (Newtown Residents Association [NRA])**.

Although supportive of the intention behind the plan change, **Submitter 35 (The Architecture Centre)** did suggest that it be revisited and that a number of buildings located southwards of 454 Adelaide Road also be considered as heritage area.

In response, the Hearing Committee note that this area was surveyed and it concluded that the historic streetscape was too fragmented, with too few buildings remaining. The area had also been compromised by a number of insensitive modern developments. It is for these reasons that this part of submitter 35's submission is not accepted.



454 Adelaide Road southward

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Submission in opposition and recommendation

In general, the main points of **submitter(s) 34 (Simon Williams and Blair Rutherford)** were as follows:

- The submitters do not consider that 209 and 211 Rintoul Street contribute to the proposed heritage area or add to an understanding of historic heritage. The buildings cannot reasonably be considered under S189 of the RMA (Heritage Order).
- DPC 75 demonstrates poor planning policy by Council and appears to be a group scheduling without proper analysis or consideration.
- The submitter provided opinion from Bruce Petry of Salmond Reed Architects who states that the plan change appears to “*lack contextual thematic analysis where by reducing a wider understanding of the area and therefore avoids addressing key heritage issues*”. Mr Petry considered that there has been little analytical understanding of Berhampore’s context, “*particularly the association with Athletic Park and the Transport patterns that formed the commercial structure linking Rintoul Street and Adelaide Road via Luxford Street*”. He considered that this has been “*misunderstood and identified as two commercial areas, where the centre is very likely to have been conceived as one commercial area*”.
- Targeted consultation was not followed up in Berhampore.
- 209 Rintoul Street is substantially altered and has been used as a house for almost 30 years.
- The proposed heritage area would decrease the saleability and market value of the properties; increase compliance costs; impact on private property rights; increase maintenance costs; increase restrictions/cost that could lead to inadequate maintenance and improvement to security and comfort; create difficulties in making the properties more suitable for residential use; decrease redevelopment options and increase costs in securing professional services to assist with resource consents
- The Built Heritage Incentive fund carries undue bureaucratic expectations and is not adequate compensation for the negative impact of planning restrictions.

This submission was opposed by **further submission FS6 (New Zealand Historic Places Trust)**.

Mr Simon Williams who owns 209 Rintoul Street spoke to Submission 34 at the hearing. Mr Williams considered that the Officer Report assumed that the owners are looking for development opportunities which were not an accurate assumption.

Mr Williams stressed that Berhampore is not a “shopping area” and that only two buildings in the area are used for shopping, the rest are used for residential purposes. He noted that the s32 report acknowledges that the buildings are used for residential purposes rather than commercial ones; therefore the identification as a “heritage shopping centre” is not accurate or meeting Councils aims. He conveyed that there is a tension between the residential function of the area and what he perceived to be Council’s desire to retain the shopping character of the area. He referenced the front windows at 209 Rintoul Street which have been adapted for privacy purposes.

The submitter considered that the heritage area had significant implications for owners/occupiers and the costs were disproportionate compared to the perceived benefits. He was of the view that any future changes should be to improve the residential liveability of the area.

Mr Williams referenced s189 of the RMA which refer to heritage orders. He emphasised the use of the words “special and “important” do not apply to

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Berhampore and considered that this was overstated in the heritage report which uses “subjective and superficial language”. The buildings do not have value within their own right and are of the least significance in the area.

During question time, the Hearing Committee was especially interested in what Mr William’s concerns were about making changes to these buildings under the heritage provisions. His concern related to the lack of certainty and Council discretion. He felt the associated costs in gaining consent (i.e. professional fees) were unreasonable. He explained that there is currently a self contained flat on each floor of 209 Rintoul St. In future, he possibly like would like to convert the building to a maisonette arrangement and insert reflective privacy glazing which may be hindered by the heritage area rules.

The proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area was an area of much discussion for the Hearing Committee. Whilst recognising that the buildings had largely remained unmodified since their late 19th century construction and that the area represented a snapshot of a once working class commercial hub, the Committee acknowledged that the values attributed to the area were not as evident as some of the other areas put forward. The Committee largely concluded that this was because the area was small and that the buildings had been poorly maintained over the years.

Despite these factors, the Committee considered that the area was still worthy of heritage protection on the basis of the heritage assessment and felt that appreciation for the area would continue to grow as more people moved into the area. They noted that a slow and steady revitalisation movement had already begun as people find Berhampore more affordable than Newtown.

Before discussing submitter 34’s request to remove of 209 and 211 Rintoul Street from the addressing, the Hearing Committee has the following comments in relation to some of the written and oral points made:

- It is not accepted that identification of a building as a contributing building to a heritage area would unduly restrict owners’ ability to adapt their properties to their changing demands. The heritage area means that building owners need to work with Council so that a balance is struck that allow adaptations to properties that are sensitive and appropriate to the heritage values. The Committee does not believe that possible redevelopment ideas discussed by Mr Williams at the hearing would be hindered by the rules of a heritage area.
- Whilst the core retail function of the area has diminished over time, the history and physical integrity of the shops remain. DPC 75 is not about the semantics of retail function; rather it recognises important clusters of buildings that have once contained a retail use, or continue to do so. It is the survival of these buildings and their associated stories that is of value, not necessarily whether they continue to function as a retail activity.
- Section 189 of the RMA refers to heritage orders, which are a very specific way to deal with buildings of heritage value under the legislation. DPC75 is not proposing to use s189 to place heritage orders on any buildings in any of the identified centres. Heritage area recognition by way of a plan change is an entirely different process and therefore the language used by the heritage consultants in the heritage is appropriate and justified.
- The Committee does not accept the architectural opinion from Bruce Petry of Salmond Reed Architects, who questioned whether the proposed area would achieve the Councils aim of recognising Wellington’s heritage. The Committee agrees with the Council’s heritage consultants that the area is representative example of a 19th century suburban streetscape that illustrates an important era in the history and development of Berhampore. The area has a strong historic connection with early transportation in Wellington and

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the fact that the prominent 1896 building of 216-218 Rintoul Street was altered into a canted fashion to accommodate improvement to the tramway in 1923 demonstrates this.

Nonetheless, the Hearing Committee does accept that the changes to the submitters' buildings (particularly 209 Rintoul Street) have to a certain extent eroded the connection and relationship of these buildings with the core of the centre, and therefore accept that 209 and 211 Rintoul Street should be removed from the area.

The Committee note that the submitter's relief sought is confusingly written in that it seeks *"that the provisions of Proposed District Plan Change 75 be amended such that, should the proposed Berhampore heritage area be established, the contents and boundaries be amended such that 209 and 211 Rintoul Street are shown to be non-contributing buildings, in that they do not add significantly to the proposed historic area"*. Whilst the decision to remove the buildings from the area altogether is somewhat beyond the actual written request, it was clear from the evidence presented the hearing that this was the intent of the submitter.

In making this decision, the Committee were conscious that the buildings' removal does make the area smaller, but did not consider that this was of major concern. The Committee felt that the road layout separates these buildings from the main group and as a result the buildings had a stronger relationship with the residential buildings to the south. In addition, the topography of the area, which is extenuated by the curve in the road, means that views onto the area do not necessarily capture these buildings which adds to this sense of separation.

In light of the above recommendation, further submitter FS6 (New Zealand Historic Places Trust) is partly accepted in that they support the plan change, but is rejected in that they oppose submission 34.



Recommendation

Accept submission 7 insofar that it supported the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

Accept in part submission 34 insofar that by default the request that 209 and 211 Rintoul Street to identified as non-heritage buildings is addressed in that they have been removed from the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

Reject further submission FS6 (New Zealand Historic Places Trust) insofar that they support the inclusion of 209 and 211 Rintoul Street proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

Reject submission 35 insofar that it requests that the buildings located southwards of 454 Adelaide Road, Berhampore also be considered as heritage area.

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5.3.3 Hataitai Shopping Centre Heritage Area

In total four submissions and one further submission was received on the proposed creation of a heritage area in Hataitai. Three submissions were opposed to the proposed area. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

No submitters specifically on Hataitai spoke to their submission at the hearing.

Submissions in opposition and recommendations

Submitter 3 (Jeremy Smith – The Realm Bar and Bottle Store) considered that there is no logical reason why the Hataitai shopping centre is remotely historic. The submitter considers that the shops are uninspiring, scruffy and tired.

This submission was not accepted by the Hearing Committee. The variety in age and type of buildings, the strong historic and visual contribution of those buildings and the collective value of the buildings makes Hataitai shopping centre important as a heritage area. The Committee considers that the Realm Bar at 7 Moxham Avenue was the anchor to the Centre, with its historic association as the Realm Ballroom still readable today. The Committee considered that, while the front building does not possess the same value, the fact that the building(s) are still used for socialising today added to the historic importance of the building. For these reasons, submission 3 is rejected. In this regard, the request of **Submitter 35 (The Architecture Centre)** that 7 Moxham Avenue be identified as a non-heritage buildings is also not accepted.

Submitter 11 (Telecom New Zealand Limited) did not comment on the wider heritage area as such but sought the exclusion of the Hataitai Exchange building at 32-34 Waitoa Road from the proposed heritage area.

In its written submission, the submitter outlined that the building is predominantly used today as a utility site (telephone exchange and telecommunications site) and is designated in the District Plan as T3: Hataitai Exchange. If the building was included in the proposed heritage area, the heritage values would need to be considered for any future outline plans of work. As an Exchange, there is likely to be future external changes and the proposed heritage area would result in restrictions on the future use and development of the utility site.

The submitter stated that the building is utilitarian and not consistent with the other selected buildings to be included in the heritage area in terms of character and continuity. The submitter considered the heritage value that has been attributed to the building is unwarranted and unnecessary and the proposed heritage area will potentially impact on the provision of telecommunications services as a result.

The Hearing Committee noted that a pre-hearing meeting between Telecom, Council Officers and representatives from New Zealand Historic Places Trust was held.

In summary, discussion points from that meeting were:

- Council background research
- Telecom's concern regarding the heritage area implications on the designation and the operational function of the building
- Telecom did not accept that the building was of such merit that it warranted inclusion in the proposed heritage area.
- NZHPT considered that the building possessed representative value in the modern 1950's design
- The building's corner location on a key intersection

The Hearing Committee agreed with the conclusions of the Officer's Report and the Council's heritage consultants in that the building is locally important to its context and is situated on prominent location on the key intersection of Hataitai shopping centre. The Committee felt that the building is an interesting modernist design which is important to the collective nature of the buildings identified in the proposed area.

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Given that site is designated for telecommunications use, it is not accepted that on-going use and function of the site will be compromised by the proposed heritage area. It is for these reasons that submitter 11's request to have the building excluded from the proposed area is not supported by the Hearing Committee.



Submitter 37 (Estate Nelson Young) submitted that 24 Waitoa Road should be excluded from the proposed area. It considers that the building is not of such social, historical, technical or architectural value that the proposed listing as a heritage site is warranted. It is not listed in the NZHPT register as a property of heritage significance. The designation as a heritage building will prevent the proper and continuing use of the building.

The Officer's Report recommended that rear house of 24b Waitoa Road is excluded from DPC75, but that the 1912 shop facing the street remain in the area. The Hearing Committee agreed this is an acceptable outcome and will not prevent the proper and continuing use of the buildings, as suggested by the submitter. In this regard, the request of **Submitter 35 (The Architecture Centre)** that 24b Waitoa Road be identified as a non-heritage building is partly addressed.

These submissions were opposed by **further submitter FS6 (New Zealand Historic Places Trust)**.



Other submission and recommendation

In addition to their submission regarding 7 Moxham Avenue and 24b Waitoa Road (discussed above), **Submitter 35 (The Architecture Centre)** also suggested that 17a Moxham Ave be included in the proposed area.

The Committee noted that the site was mistakenly included in the heritage area boundaries in the notified plan change but had not been researched as part of the heritage report. Further research by Officer's revealed that the site contains two

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buildings, the front villa being original to the site, with the rear building (which has been identified as a non-heritage building) constructed in 1984. Whilst the villa is original to the site, in 1988 it was moved further back, presumably to accommodate a car parking area. The Hearing Committee agreed with the Officer's Report that the heritage values of the site have been compromised and that the set back of the building provides a natural end point to the proposed heritage area. The Committee recommends that the Appendix 11 Hataitai maps is amended to exclude the site altogether.

Recommendations

Reject submission 3 insofar that it considers there would be no benefit in declaring the area a heritage area.

Reject submission 11 insofar that it requests the removal of 32-34 Waitoa Road from the proposed Hataitai Shopping Centre Heritage Area.

Accept further submission FS6 insofar that it supports the creation of a heritage area in Hataitai and opposes the removal of 32-34 Waitoa Road from the proposed Hataitai Shopping Centre Heritage Area.

Reject in part submission 35 insofar that they request that 24b Waitoa Road is identified as non-heritage, but in doing so exclude this rear building from the proposed Hataitai Shopping Centre Heritage Area.

Reject in part submission 37 insofar that they request that the entire site of 24 Waitoa Road is removed from the proposed area, but in doing so; exclude the rear property of 24b Waitoa Road from the heritage area.

Accept in part further submission FS6 insofar that they request that 24 Waitoa Road is retained from the proposed area, but in doing so; exclude the rear property of 24b Waitoa Road from the heritage area

Reject submission 35 insofar that they request that 17a Moxham Avenue is included in the proposed Hataitai Shopping Centre Heritage Area.

5.3.4 John Street Intersection (Newtown) Shopping Centre Heritage Area

In total, 14 main submissions and one further submission was received on the proposed creation of a heritage area at the John Street Intersection. Of those submissions, one submission was in full support, one submission was in conditional support and 11 submissions were in opposition to the proposal. One submitter neither supported nor objected to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

Five John Street Intersection specific submitters spoke to their submissions at the hearing.

Submissions in support and recommendations

Submitter 7 (Newtown Residents Association [NRA]) fully supported the proposed heritage area. **Submitter 25 (Christina van Zanten)** was in conditional support of the proposed heritage area.

In general, the main points of **submitter 7 (Newtown Residents Association [NRA])** were as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.

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- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

The Committee notes and accepts the support of submitter 7 (Newtown Residents Association [NRA]).



9 Riddiford Street

Submitter 25 (Christina van Zanten) considered that it was acceptable to retain the front of buildings as original but considered that the requirement to gain resource consent for works to the rear of buildings was unnecessary. She considered that rear changes were generally out of view, are not in keeping with their original (heritage) design and the resource consent may cost more than the alteration/repair. The support of submitter 25 is acknowledged and the above points are noted by the Hearing

Committee. However, as discussed in section 5.1.1 of this Decision Report, DPC75 is not just about streetscape and façade appearance but recognises the heritage values of buildings in each area holistically.

Although supportive of the intention behind the plan change, **Submitter 35 (The Architecture Centre)** did suggest that it be revisited and that 17-21 Riddiford Street be recognised as non-heritage in the John Street Intersection (Newtown) Shopping Centre Heritage Area. This submission recommendation is discussed below.

Submissions in opposition and recommendations

Submitters 6 (Peter Frater), 10 (Peter James Cox), 13 (Michael Brett Mainey), 22 (Dominic van Putter), 23 (John Owen Kelman), 24 (John Joseph Dunphy), 28 (Laura Newcombe), 29 (Naran and Premi Bhana), 30 (Urmila Bhana), 33 (Howard Anthony Eastment) and 38 (Brian Main) all opposed the proposed heritage area.

All of these submissions were opposed by **further submitter FS6 (New Zealand Historic Places Trust)**.

Many of the submitters raised common concern about heritage vs. character, requirements under the earthquake-prone building policy, public good vs. private cost to building owners, impact on development potential, the uncertainties of the resource consent process, building owner compensation, heritage incentive fund and insurance cover.

These issues are discussed in more detail under section 5.1 of this Decision Report but as a general observation, the Hearing Committee acknowledges that the area does face unique challenges that may not necessarily be faced in other parts in the City. The challenges relate to the areas location on a busy intersection, the traffic and parking constraints, the presence of the nearby Wellington Hospital and the soon to be constructed supermarket. All of these factors combined make for increased activity in the area which can have both positive and negative implications for building owners. However, the Hearing Committee considers that the area has real potential and that the collection of these heritage buildings is a positive juxtaposition in an area that is (and will be) dominated by modern buildings. The Committee views the area as a “gateway” to Newtown and agree with the conclusions of the heritage

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assessment report which identifies these Edwardian buildings as being notable for their continuity, consistency and harmony on a key city intersection.

With reference to the requests that individual buildings are excluded from the proposed heritage area, these are discussed in more detail below. However, as a general response, the Committee reiterates that the strength of the identified heritage areas and the associated policies and controls is that they allow the collective character and heritage values of an area to be considered. An individual heritage building can be restored and managed as carefully as possible and still have its heritage values diminished by an insensitive development on a neighbouring site. Heritage areas are considered to be a very useful mechanism for ensuring that areas with a high concentration of heritage buildings are appropriately managed (i.e. *'protected from inappropriate subdivision, use and development'*). Removing individual properties, particularly properties centrally located within an area, would largely nullify the purpose of the heritage area. In addition to this, the Council's Wellington Heritage Policy 2010 has identified that in situations where there is a concentration of heritage items, defining a heritage area can be the most appropriate means by which to manage heritage values.

It is for these reasons that submissions suggesting that certain buildings do not have heritage merit cannot be supported in all cases. Accordingly it is agreed that the majority of the buildings identified are retained within the heritage area, because this will ensure that heritage value of the intersection can be managed as whole.

Specifically **submitter 6 (Peter Frater)** submitted that the eastern side of Adelaide Road and Riddiford Street is required for road widening and Council should consider moving the buildings eastward. This submission is out of scope of what this plan change can address. Nevertheless, the Committee noted that this suggestion was mooted as part of the Adelaide Road Framework drafting (adopted in November 2009) and was not recommended as part of the future plans to upgrade the area. In this regard, submission 6 is recommended to be rejected.

Submitter 10 (Peter James Cox) opposes the proposed heritage area over the properties located at 161, 163, 169 and 171 Adelaide Road and requested that these are removed from the proposed area. He considered that the buildings are in no way part of the John Street shopping area and have been altered over the years.

He submitted that Council Officers agreed to exclude the rear lean-tos from the heritage area, with a line to be drawn to the rear of 163, 169 and 171 leaving the remainder of the land available (over 3 sections) to the redeveloped. The notified map showed the part of these lean-tos included in the area.

The Hearing Committee agreed that the appearance of 161 Adelaide Road has been much altered over its 100-year-plus history. However, aside from its historical connections with the area, the building still retains its original scale and form. Given this, cosmetic changes (which possibly could be addressed at the same time as potential rear development plans) could easily improve its appearance. The building survives as an original "book-end" to the centre and its corner location indicates the start of the heritage area when travelling from the north. For these reasons, the Committee recommends that the building should remain in the area.

163 Adelaide Road is considered to one of the most important buildings within the proposed heritage area. This industrial building, built in 1909, has functioned as a polish manufacturer since 1924 and still retains much of its original fabric, its scale and form, including its attractive front façade. The Committee recommends that that this building should not be removed from the proposed area, as suggested by submitter 10.

169 and 171 Adelaide Road is a pair of 1875 colonial style cottages which remain today as the earliest surviving buildings located along Adelaide Road. The more substantial alterations have occurred to number 171, but on the whole, the buildings are considered to retain their heritage integrity. The Committee does not agree that these

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buildings should be excluded from the proposed area.



161 Adelaide Road



163 Adelaide Road



169-171 Adelaide Road

The Hearing Committee noted that submitter 10 has requested that the rear lean-tos of the abovementioned buildings are excluded from the proposed heritage area. This would require a line to be drawn to the rear of the buildings with the remainder of the land available (over 3 sections) to be redeveloped. As part of the targeted consultation undertaken on the proposed area, Officers met with Mr Cox and the possible exclusion of the rear sections was discussed. This was followed up by a site visit by the heritage consultants. Based on these discussions, the notified map does not include most of the rear parts of the properties and but does leave some parts of the lean-tos within the heritage area boundaries. Mr Cox has stressed that he would like the *entire* footprints of the lean-tos excluded and the Hearing Committee agreed that this is acceptable. The Committee has viewed aerials of the buildings and believe that there is a clear demarcation between original buildings and the subsequently built lean-tos. Accordingly, the Committee was comfortable that any future rear development could be appropriately managed under the DPC 73 Centres provisions and that the heritage values of the buildings in the heritage area would be respected. Therefore, the John Street Intersection Appendix 12 Map is recommended to be amended to reflect these boundary changes and that

submitter 10's submission is accepted in this regard.

Submitter 36 (**Martin Read**) supports DPC 75 in its entirety and is especially interested in the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area. **Submitter 36** has a family connection with 169, 171 and 175 Adelaide Road, in that properties were built by his ancestor, Micaiah Read, Governor of the Wellington (Terrace) Gaol.

In his written submission, **submitter 13 (Michael Brett Mainey)** explained that he owns 187 Adelaide Road which was purchased in 2007 with the express intention of redeveloping the site with a new building up to four storeys high in accordance with the (operative suburban centres) zoning. He stated that the building does not have historic value, but is a simple box structure with various add-ons which lack interest and is not worth retaining.

At the hearing Mr Mainey spoke to his submission. He was of the view that the heritage area will reduce future options and his ability to make changes, modifications or extensions, which may limit its leasability as tenants may need to adapt the building to their needs. He considered that being identified as part of a heritage area would mean that any changes will require expert advice and add unnecessary cost.

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Mr Mainey explained that the proposal will have financial implications and he considers that he will lose up to 50% of the value of the property if the heritage area proceeds. At present the Government Value on the property was \$800,000, but he predicted that this would drop to \$400,000 with the introduction of a heritage area.

He emphasised that most submitters who support the heritage areas do not have a financial commitment to the areas and that Council has failed to listen to the actual building owners who say they do not want the heritage area. If heritage was so important to the Council, it should buy the buildings.

Mr Mainey explained that he was not anti-heritage and that he has developed heritage buildings before and has just purchased two heritage buildings in Kensington Street (by the Te Aro by-pass). However, in the case of 187 Riddiford St, he believed that the building does not possess the same heritage qualities. It has reached the end of its economic life, has vast deferred maintenance and needs strengthening, contains illegal lean-to upon lean-to and is not of “special” quality. He considered that the building has value because of its location, but not in the actual building itself.

The Hearing Committee asked several questions of Mr Mainey, especially given that his submission was on the whole plan change but that his evidence focused mainly on his building. Mr Mainey confirmed that his submission was on the entire plan change.

The Hearing Committee did not accept Mr Mainey’s argument that the main building at 187 Adelaide Road does not retain historic value and is not worth retaining. The Committee note that the building was constructed in 1897 and relates well to the other buildings in the area wrapping around the corner just to the south. It makes a positive contribution to the collective of buildings that make up this part of the proposed area.

However, the Committee did recognise the submitter’s point that the rear of the building, particularly the additions and lean-tos, did not possess this same heritage value. Whilst the submitter conveyed that he opposes the whole of DPC 75, at the hearing Mr Mainey was very specific about “lean-tos built upon lean-tos” and also the poor quality of the rear brick boundary wall. In this regard, the Committee recommend that these lean-tos and the brick wall are excluded from the area, thereby using the original roof line of main building as a boundary cut off. In making this decision, the Hearing Committee acknowledge that the heritage consultants have identified that the brick boundary wall is attractive when viewed from rear car park; however, the Committee is comfortable with removing the lean-tos from the area (thereby possibly losing the wall). This decision is in line with 161-171 Adelaide Road decision and is considered to provide flexibility to the building owner to undertake his proposed redevelopment plans whilst also retaining the heritage values of the main front building. The recommendations are shown on appendix map 12, Appendix 2 of this Decision Report.



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Submitter 22 (Dominic van Putter) considered that the wider area has already been subject to upgrades (Hospital, supermarket, Hirequip and McDonalds) and therefore the John Street Intersection should follow in these footsteps.

Submitter 23 (John Owen Kelman) stated in his written submission that it is not the Council's role introduce a plan change that will effectively prevent any redevelopment of land. If people think their buildings should be preserved, he considers that it should be up to them to buy and preserve them. The submitter saw little merit in retaining such dilapidated rotting structures and requests that the plan change be rejected.

Mr Kelman appeared before the Committee and spoke to his submission. He explained that, although he does not own a building in any of the proposed heritage areas, he does oppose the whole plan change. Reasons for this included:

- The proposal is not financially balanced.
- Owners purchase a development envelope of unrealised potential (e.g. 12m height limit and 100% site coverage).
- There is no financial compensation for public good as Council offers no partnership or financial commitment.
- The Council should purchase the buildings.
- There is no assurance from Council. It makes demands on owners who have no say in process.

During question time, the Committee were interested to hear whether Mr Kelman saw public benefit of retaining heritage buildings. He considered that it is up to the owner to preserve buildings through an "organic process" that happens naturally, without Council intervention. Mr Kelman favoured "aesthetic values" over "heritage values", but felt that values were basically an issue of economics that the market will drive.

The Hearing Committee agrees with the Officer's Report, and sees no reason why the John Street Intersection buildings too cannot be upgraded with their heritage value maintained and enhanced. The adoption of a heritage area does not mean that it remains forever unchanged. Changes and upgrades can be made to buildings via the resource consent process and in this regard the Committee recommends that submissions 22 and 23 are rejected.

Submitter 24 (John Joseph Dunphy) opposed the inclusion of 16 Riddiford Street and 205 Adelaide Road in the proposed heritage area. The purchase of the building was unencumbered by any restriction and the submitter considers that to force the proposal is untenable and would disadvantage the owners of the buildings. He requested that these buildings are removed from the proposed area.

Although an entirely separate building, the Committee notes that 16 Riddiford Street reads as a single storey extension to the distinctive wedge shaped building of 2-14 Riddiford Street. In the drafting of the plan change, Officers mistakenly identified 16 Riddiford Street was part of 2-14 Riddiford Street and included the building, together with the rear property of 205 Adelaide Road in the proposed heritage area map boundaries. In responding to submission 24, it was discovered that no research was carried out as part of the heritage assessment for the inclusion of these buildings. Given that these buildings were not identified in the original heritage assessment report, the Committee agrees that it is not reasonable to now add them in. In this regard, submitter 24's request that 16 Riddiford Street and 205 Adelaide Road are excluded from the proposed heritage area is accepted. The recommendations are shown on appendix map 12, Appendix 2 of this Decision Report.

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In her written submission, **submitter 28 (Laura Newcombe)** opposed the proposed area as she considered that the heritage signage rules are too restrictive. She considers this is unfair compared to the large amount of signage granted resource consent on the nearby supermarket and the other signage that has “existing use rights”, and that Council should remove this signage. She also considers that it is grossly unfair that she is restricted but yet the supermarket development “gets everything”. The submitter did not agree that “The Rice Bowl” (17 Riddiford Street) has any heritage value.

Ms Newcombe appeared before the Hearing Committee and was accompanied by former licensee of the Jewel of Nepal Restaurant, Romie Thapa.

At the hearing, Ms Newcombe explained that she was a part owner in the already listed building at 2-14 Riddiford Street. She had owned her unit for 18 years and runs a florist from the ground floor and lives upstairs. She conveyed that she is supportive of heritage protection but has strong concerns about other Council processes as they affect her business. Her experience with Council has been very “hostile”. She referenced the following examples:

- Council removal of car parking. Ms Newcombe felt she was entitled to residents’ parking which has now been removed to cater for the new Countdown supermarket development entry and exit points. She questioned where were the incentives/parking for her customers?
- Wellington Cable Car company erection of trolley bus pole through her heritage verandah.
- The Council footpath upgrade which damaged and removed heritage tiles from outside her shop.
- The Adelaide Road upgrade project, especially changes to the road layout and loss of car parking which she feels has impacted on her business.
- The dominance of Countdown, including signage which will impact on the attractiveness of her building.
- The Council’s reluctance to take action against unsympathetic signage in the area.

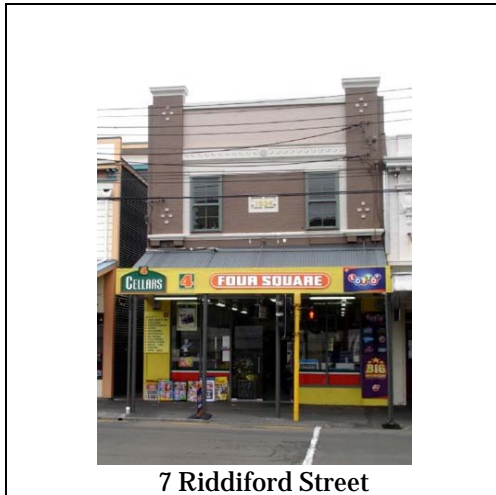
The Committee Chair explained that most of the issues that Ms Newcombe discussed were outside of the scope and unable to be addressed as part of the heritage area plan change. Commissioners Gill and Pannett advised her of other possible avenues in which she can discuss her concerns. The Committee as noted above does acknowledge some of the specific challenges the areas faces. In any case, the Committee were keen to hear whether the listing of 2-14 Riddiford Street had had an impact the building and business.

Ms Newcombe did not think the heritage listing had a large impact, but explained that the road layout changes and removal of parking had been the root of her problem. Having said that though, she made a plea for Council to look at big picture and that every change in the area has an impact on the economic viability of the area.

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Although not a submitter on the plan change, Mr Thapa explained his experience with the hospital upgrade and the effect it had had on his business in terms of noise and dust. Loss of car parking has also affected his business and that he has also had to remove signage as a result of heritage restrictions.

Given the broad nature of submission 28 (which is largely outside the scope of the plan change), the Hearing Committee could only comment on the points regarding the heritage value of The Rice Bowl building. The Hearing Committee agreed that this building should be identified as a non-heritage building. Aside from this change, the Committee recommend that submission 28 is rejected.



Submitters 29 (Naran and Premi Bhana) and 30 (Urmila Bhana) are opposed to the creation of a heritage area at Riddiford Street/John Street, specifically the inclusion of 7 Riddiford Street, as this is a substantially new building located behind an old façade. The submitters requested that 7 Riddiford Street be excluded from the proposed area, or, alternatively, recognise only the front top portion of the façade, above the veranda.

The Officer's Report detailed that the Council's heritage consultants revisited 7 Riddiford Street to undertake further inspection and agreed that the building to the

rear of the façade is substantially rebuilt. The Officer's Report recommended that submissions 29 and 30 were rejected in part in that the building is not excluded from the proposed area, but rather that it be identified as a non-heritage building. It was recommended that only the front façade is recognised as part of the proposed area.

At the hearing, Urmila Bhana spoke to submissions 29 and 30.

Miss Bhana explained that in 2003 a resource consent was approved to have the building completely developed to accommodate two apartments. As a result of the redevelopment, only the upper part of the façade above the verandah remains. She considered that the 1923 date on the front of the building was "make believe" and "fooling people" of its actual date. It should be altered to read 2005. She was of the view that it is illogical to call the building heritage and the entire site should be removed from the proposed area. If the 2005 building was demolished, she considers that there would be no loss of heritage fabric. She believed that preventing demolition by identifying the building in the heritage area was an exercise in futility and meaningless in terms of actually protecting the City's built heritage.

Miss Bhana also explained the personal impact the proposed heritage area process could had on herself and her family. She had found the previous redevelopment process to be a constant negative distraction on her family's business, had been stressful and time consuming.

During question time, the Committee noted that the Officer's Report recommended that only the façade be recognised and were curious to hear Miss Bhana's opinion on this recommendation. They were also keen to hear her views on the economic issues that the area faces.

Miss Bhana explained she was still dubious as to what "heritage" will mean in the future. She explained that signage restrictions were a big concern. The area will soon become dominated by the Countdown supermarket signage and therefore they would like to have visibility in the area and erect a sign on the parapet. Miss Bhana was fearful that signage would be restricted by the proposed heritage area.

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Officers explained that the Centres signage provisions would continue to apply (e.g. 5m² permitted as of right) and that new signage on the parapet should not be a problem if appropriately designed. Miss Bhana explained that, in her experience (based on the 2003 resource consent process) the character area discretionary requirements cost her family financially. She cited that the air conditioning and refrigeration system had to be shifted because of “character concerns”, the on-going cost of which is still impacting on the business.

In terms of economics, Miss Bhana explained that 7 Riddiford Street housed a longstanding family business that intended to stay. However, this was made harder by Council changes in the area (for example, removing parking, and moving the pedestrian crossing) which she believes had made the area suffer. She felt that different parts of Council want different things from the area and that some of these objectives come into conflict such as the Adelaide Road upgrade and the desire to protect the area’s heritage. She said that the owners of the building/business hope to be continue to be successful; however, that success depends on the Council not diminishing the amenities in the area and not increasing the compliance costs to small business owners and investors.

Following the Officer’s Report recommendation to recognise only the front façade as heritage and the hearing evidence presented by Miss Bhana, the Hearing Committee agrees that these changes are appropriate, accepting the evidence that the façade of the building has heritage value and accordingly have amended Map 12, Appendix 2 of this Decision Report.

Submitter 33 (Howard Anthony Eastment) owns 19, 21 and 23 Riddiford Street and currently has building works pending and is experiencing difficulty in tenanting the building and securing finance because of a lack of tenants.

The submitter would like to build quality townhouses above and behind the shops, which would mean some demolition work of the rear lean-to.

He requested in his written submission that 19, 21 and 23 Riddiford Street are excluded from the proposed area.

Mr Eastment spoke to his submission at the hearing.

He outlined that in 1993, he purchased the buildings at 19-21 Riddiford Street which consisted of three shops that had been constructed with reinforced concrete in 1925. In 1968, there was a large fire which has modified one shop (i.e. floorboards replaced). The rest of the building had also been modified over the years with the addition of rear lean-tos and various changes. In line with the Newtown Suburban Design Guide and the 12m height limit, Mr Eastment had plans to redevelop the site with ground floor shops and townhouse apartments above (he tabled these plans).

He explained that, more recently, his focus had changed that the building is currently on the market for sale. He explained that there has been a high tenancy turnover and most of 2009-10 the shops have remained empty. Currently only one shop is tenanted.

Mr Eastment stated that the current Rateable Value is \$740,000, the Government Value is \$700,000 and the land value is \$500,000. Because of the site’s location near the hospital and the new supermarket, there has been strong interest in the sale of the building. However, the sale offers that Mr Eastment has received had only amounted to \$400,000 and he noted that there is a clear desire by prospective purchasers to demolish the building and start from scratch.

The building needs strengthening and has received its earthquake prone notice which considers it to be a moderate risk (May 7 2010). He stated that the building would cost \$500,000 to strengthen to accommodate a building above. The building needs to be piled and he doubts that Council (though incentive funding) can pay for such strengthening.

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Mr Eastment concluded his evidence with the view that potential buyers will discount their offers on older buildings by 25% and a further 25% if it is located in a heritage area. He considers that this part of Newtown is changing and concerns about the heritage area implications will continue to be a problem.

In considering this building(s), Hearing Committee observed that it is unusual in the area in that it (together with number 17 Riddiford Street) is single storey. The site does offer development potential in that a sensitively designed additional storey could be added to the buildings. The Committee recognises that the building(s) is of an age, but do not agree that it is of such heritage value that it should remain as a contributing building in the heritage area. Rather, the Committee feel that its position is important in the row of shops but that identification as a non-heritage building is more appropriate. By keeping the building in the area as a non-heritage building, it allows the owner the ability to demolish as of right, but at the same time also enables Council to assess any proposed new building in context with the surrounding heritage area. In this regard, submission 33 is partly addressed in that 19, 21 and 23 Riddiford Street are identified as non-heritage on Appendix Map 12 of the plan change document (see Appendix 2).

In light of the above, it is recommended that the request of Submitter 35 (The Architecture Centre) that 17-21 Riddiford Street (which includes the rice bowl building) be recognised as non-heritage is accepted.



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1-3 Riddiford Street



5 Riddiford Street

Submitter 38 (Brian Main) owns 1-3 and 5 Riddiford Street and requested that Council define what elements of the streetscape and character of the area should be retained as having heritage value. He considered that building owners should freely be able to adapt and modify their buildings, unless identified as being of heritage value.

In his submission, the submitter largely focused on heritage vs. character and that owners should be able to make changes to their buildings without the need to gain resource consent. These topics have been addressed in section 5.1 of this report and this regard the Hearing Committee cannot support the submitter's request that Council redefine the intent of the plan change. The Committee are satisfied that the DPC has an appropriate balance between the management of heritage values with the provision for owners to redevelop their buildings.

Specifically concerning 1-3 Riddiford Street, this building was constructed in 1902 and is a good representative example of Edwardian architecture. It is situated in a key part of the proposed heritage area, anchoring the smaller building to the left (number 5 Riddiford Street) and strongly complementing the

late Victorian building to the right (191 Adelaide Road).

Although number 5 Riddiford Street is a new building constructed in 1998, the Committee considered that it was appropriate to recognise it as a contributing building as it is detailed and scaled appropriately to its surroundings and is considered to make a positive contribution to the area. The Committee were especially impressed with the use of recycled materials in the part-construction of the building, which they considered added to the building's character and its contribution to the area.

In conclusion, although various amendments have been made by the Hearing Committee, it remains firm in its view that the buildings retain important historic, social, architectural and townscape value. The Committee recognise the significance of the area's location on a key intersection and consider that these surviving buildings are an excellent representation of the origins of Adelaide Road and Riddiford Street, despite the area having undergone an enormous transformation over the last 100 years. The Committee agreed that the John St intersection shopping centre should be listed on the District Plan as a heritage area.

Recommendations

Accept submission 7 insofar that it supports the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

Accept in part submission 25 insofar that it supports the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

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Reject submissions 6, 22, 23, 28 and 38 insofar that they request that the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area not proceed or that their particular building not be included in the proposed area.

Accept further submission FS6 insofar that it opposes submissions 6, 22, 23, 28 and 38 and requests that buildings identified and the John Street Intersection (Newtown) Shopping Centre Heritage Area are accepted.

Reject in part submission 10 insofar that it requests that 161-171 Adelaide Road are removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area, but in doing so amend the area boundary to exclude the rear lean-tos and additions from the heritage area.

Accept in part further submission FS6 insofar that it requests that 161-171 Adelaide Road is retained as part of the John Street area, but in doing so, amend the area boundary to exclude the rear lean-tos and additions from the heritage area.

Reject in part submission 13 insofar that it requests that DPC 75 does not proceed, but in doing so, amend the area boundary to exclude the rear lean-tos and additions of 187 Adelaide Road from the heritage area.

Accept in part further submission FS6 insofar that it requests that DPC 75 proceeds, but in doing so, amend the area boundary to exclude the rear lean-tos and additions of 187 Adelaide Road from the heritage area.

Accept submission 24 insofar that it requests that 16 Riddiford Street and 205 Adelaide Road be removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

Reject further submission FS6 insofar that it requests that 16 Riddiford Street and 205 Adelaide Road are included as part of the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

Reject in part submissions 29 and 30 insofar that they request that 7 Riddiford Street is removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area, but in doing so, identify the that the front façade is of heritage value and that the rear property is identified as a non-heritage building.

Accept in part further submission FS6 insofar that it requests that 7 is retained as part of the John Street area, but in doing so, identify that the front façade is of heritage value and that the rear property is identified as a non-heritage building.

Reject in part submission 33 insofar that it requests that 19, 21 and 23 Riddiford Street is removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area, but in doing so, identify that the building is a non-heritage building.

Accept in part further submission FS6 insofar that it requests that 19, 21 and 23 Riddiford Street is retained as part of the John Street area, but in doing so, identify that the building is a non-heritage building.

Accept submission 35 insofar that it requests that 17-23 Riddiford Street is identified as non-heritage buildings.

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5.3.5 Newtown Shopping Centre Heritage Area

In total, five submissions were received on the proposed creation of a heritage area in Newtown. Of those submissions, one submission was in support and three submissions were in opposition to the proposal. One submitter neither supported nor opposed the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

One Newtown specific submitter spoke to their submission at the hearing.

Submissions in support and recommendations

In general, the main points of **submitter 7 (Newtown Residents Association (NRA))** are as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.
- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

NRA recommended the following amendments:

- Wording to clearly confirm the initiative established in DPC 40 and 73 that new construction is not about fake reproduction of heritage
- Include 184, 211-221, 247-249 and 257 Riddiford Street in the heritage area. Investigate heritage listing of 259 Mansfield Street
- Create a single storey heritage area for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible
- Establish an advisory panel of professionals, local experts and council officers to comment on and assist resource consents in Newtown Centre

The conclusions of the heritage assessment are strongly supported by submitter 7 (Newtown Residents Association [NRA]). However, the Association had clear views that new buildings and extensions should be chronologically readable and “of their time”. These points were also raised by **submitter 35 (The Architecture Centre)**.

As discussed earlier in this Decision Report, the Committee is satisfied that the proposed heritage areas will not result in buildings being set in time or that owners will not be able to modify their building in the future. The heritage area means that building owners need to work with Council so that a balance is struck in allowing adaptations to properties that are sensitive and appropriate to the heritage values. This does not mean however, that new additions must be a pastiche of original design and this is clearly outlined in the Centres Design Guidance that will be used as part of the assessment of new development. Modern building design and materials can be quite acceptable and Council’s policies encourage this approach.

The issue of the appropriateness of a local advisory group on resource consents is an interesting one and was canvassed as part of a Thorndon Heritage Study paper presented to Council’s Strategy and Policy Committee in August 2010. The Hearing Committee understand that through that process Officers will give consideration to the question of whether there is a need to establish a city wide advisory group on heritage and urban design issues at some point in the future.

In terms of the specific requests by submitter 7, the following recommendations are made:

Include 184 Riddiford Street

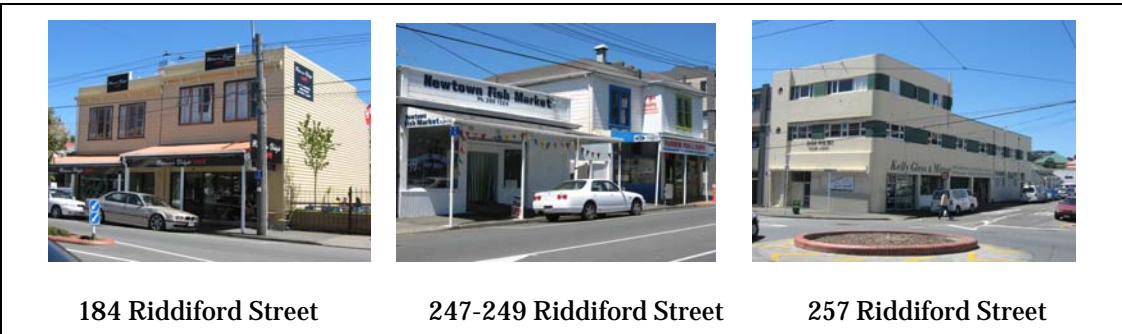
These buildings are located on the cusp of the southern end of the proposed heritage

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area: however, given their location next to a car park; the Hearing Committee agrees with the heritage consultants that this gap in the streetscape provides the natural end point to the proposed area. In this regard, the submitter's request is not supported.

Include 247-249 Riddiford Street

These buildings are located some distance from the main part of the proposed Newtown Shopping Centre Heritage Area which means there are a number of other buildings in between that are not considered to be worthy of heritage area recognition. This gap in streetscape would undermine the consistent characteristic of the Newtown heritage area and, in this regard, the submitter's request is not supported.



Include 257 Riddiford Street

This is an interesting building and stands proudly on the Riddiford Street and Mansfield Street corner. However, for the same reasons as above, the building is located some distance from the main part of the Newtown heritage area and therefore the submitter's request is not supported.

Create a single storey heritage area for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible.

The Committee notes that this particular area was considered as a small heritage area as part of the initial survey. Some of the buildings have streetscape qualities and reasonably uniform verandahs. On balance though, they do not possess the overall qualities that the other heritage areas present. For this reason, the submitter's request is not supported by the Committee.

Investigate heritage listing of 259 Mansfield Street

Given that this plan change concerns heritage areas only, this request cannot be investigated that this time. The request has however been passed to the Heritage team for future investigation by Officers.

Although supportive of the intention behind the plan change, **Submitter 35 (The Architecture Centre)** did request that 10 and 14 Rintoul Street and 156-162 and

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191-191a Riddiford Street are identified as non-heritage and that 139 Riddiford Street is included in the proposed area.

After deliberation, the Hearing Committee's response is as follows:

Identify 10 Rintoul Street as a non-heritage building

This building is closely related to number 8 and is a fusion of two conjoined but different two-storey Victorian buildings and a modern building. Number 10 retains traces of its original c1900 shop front, with the façade containing two pairs of double-hung windows in detailed surrounds. It is considered that the building contributes to the area and in this regard the submitter's request is not supported.



Identify 14 Rintoul Street as a non-heritage building

This building did not form part of the heritage report assessment and should not be included in the proposed area. In this regard, the submitter's request is partly addressed in that it is recommended that it is removed from the proposed plan change.

Identify 156-162 Riddiford Street as a non-heritage building

This building is a modern, inelegant, low rise complex which discordantly breaks the street wall of buildings in the area. It was notified as a non-heritage building and in this regard the request of submitter 35 is accepted.

Include 257 Riddiford Street

As outlined above, the building is located some distance from the main part of the Newtown heritage area and therefore the submitter's request is not supported.

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191-191a Riddiford Street



139 Riddiford Street



Public toilets, corner Riddiford & Constable Streets

Identify 191-191a Riddiford Street as a non-heritage building

This building was notified as a non-heritage building and in this regard the request of submitter 35 is accepted by the Committee.

Include the interior of Castles Chemist at 139 Riddiford Street in the proposed area.

Given that this plan change concerns heritage areas only, this request cannot be investigated at this time. The request has, however, been passed by Officers to the Heritage team for future investigation and the request was met with some sympathy by the Committee.

Identify the public toilets on the corner of Constable and Riddiford Streets as a non-heritage building

This building clearly does not add to the historic heritage of the area and therefore the request for it to be identified as non-heritage is accepted by the Committee.

For amendments discussed above, please refer to appendix map 13 shown in Appendix 2 of this Decision Report.

Submissions in opposition and recommendations

Submitter 26 (Emanate Holdings) considered that 150 Riddiford Street is simply a shed made of corrugated iron and requested that it be removed from the proposed heritage area. This building is an old motor garage, and although simple in design, does add interesting element and historical link in the Newtown streetscape. It is not agreed that this building should be removed from the area and submission 26 is rejected.

Submitter 27 (Trustees Virginia Trust) considered that 138-140 Riddiford Street has no merit in being classified as a heritage building. The submitter felt the building is old with no particularly significant or outstanding architectural features or character and therefore requested its removal from the proposed area. As described by **further submitter FS6 (New Zealand Historic Places Trust)**, this building is tall and is one of the most striking in the proposed Newtown heritage area. The Committee does not agree that this building should be removed from the area, accepting the advice of the Historic Places Trust and the recommendations of the heritage assessment and submission 27 is therefore recommended to be rejected.

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In their written submission, **Submitter 31 (Peter and Theodora Varuhas)** considered that the heritage area will impose additional unnecessary costs and regulations; prevent the submitter from being able to deal with their properties as required; restrict private property rights; increase maintenance and compliance costs and reduce the value of the properties.

Costa Varuhas, on behalf of Submitter 31, spoke to this submission at the hearing.

Mr Varuhas explained that the submitter had owned 119 and 121 Riddiford Street (which had been identified in the proposed area) for a considerable number of years. Mr Varuhas stated that the buildings were earthquake prone and outlined the physical state of the buildings. He explained that they suffered from borer, subsidence and other maintenance issues and had reached the end of their economic life. He considered that it is bad for business to throw money at buildings which are in a poor state.

Mr Varuhas outlined that there is nothing novel about the concepts of heritage protection, but that Council had distorted the importance of heritage in Newtown with the approach taken in DPC 75 was “rose tinted” and somewhat “over zealous”. He expanded by recognising that Section 6 of the RMA requires heritage protection, but that DPC 75 was subjective, with the importance of the proposed heritage area coloured by the heritage consultants’ reports. Further, he felt that the Council consultation undertaken with building owners was non-existent.

Mr Varuhas conveyed to the Committee that the plan change does not achieve a balance and that there is a small number of (supporting) submissions which indicates limited support for the plan change. He considered that heritage protection should be a matter of choice for building owners, and that the plan change will impact on private property rights, devalue the properties, will result in increased restriction and compliance all without compensation. He stated that the building owners purchased these properties unencumbered by restrictions.

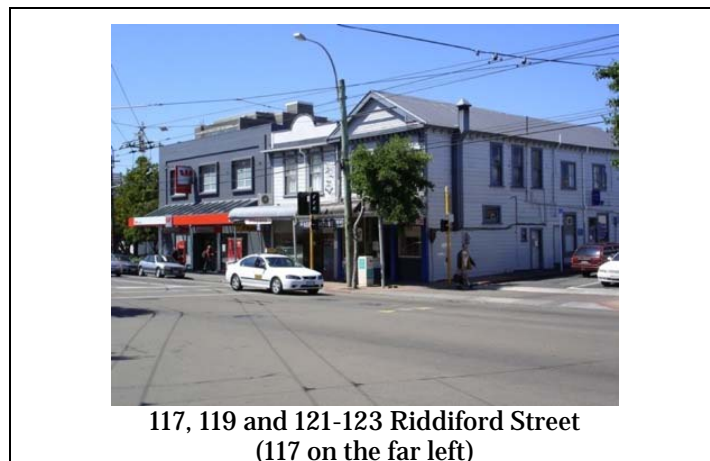
He also pointed out that the heritage protection clashes with other Council requirements such as earthquake risk requirements, intensification and so on.

Mr Varuhas felt that there should be incentives for building owners such as rates relief. He felt that the heritage incentive fund is inadequate and that reimbursement of resource consent fees does not cater for cost of engaging experts, the uncertainty and the general hassle of gaining consent. He also raised concern that outside parties can comment on resource consent applications.

The Hearing Committee asked several questions of Mr Varuhas. They were especially interested to hear whether the submitters were opposed to heritage protection per se or whether they were accepting of a heritage area as a concept.

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In response, Mr Varuhas conveyed that he was appreciative of heritage protection, but for special buildings only. He felt that capturing the whole area in a “net” is dangerous as it detracts from special buildings of true value. He felt that new buildings can be special too and that people should be able to build modern buildings. He recognised that the current building stock is a heritage “snapshot”, but was fearful that the heritage protection would mean that area is “frozen” in time. In this regard he did not accept that use of heritage areas as a management tool was appropriate. He considered that generally people are comfortable with change in buildings and uses, and view it as a natural progression. Buildings have a limited lifespan and should be able to be changed as necessary.



Submitter 31’s request to reject DPC 75 is not supported by the Hearing Committee. The Committee is of the view that heritage areas put forward as part of DPC 75 cover a key suburban retail strips that contribute strongly to the heritage values and unique sense of place of Wellington City. Specifically concerning the Newtown heritage area, the Committee note that this commercial hub has played a very important role in Wellington’s history and the fact that so many buildings of heritage value remain is special. Newtown is a result of late 19th and early 20th century expansion of the City into its suburban margins, with the area representing an extensive, continuous and rare section of streetscape and collective heritage value.

Given this collection of authentic heritage buildings, the Committee does not accept the submitter’s view that the identification of the areas and research undertaken is subjective. The Committee considers that the use of heritage areas is a justified and suitable form protection that is appropriate in allowing the Council to meet its obligations for managing historic heritage under Part II of the Resource Management Act.

The Committee appreciates that the submitter has concerns about what the heritage area will mean, but do not accept that the area will become “frozen in time”. As discussed throughout this decision report, opportunities for redevelopment will continue to remain for building owners, albeit with added responsibility to work with Council.

Although the submission 31 and evidence presented was general in that it referred to heritage areas and the plan change, it was obvious to the Hearing Committee that the concerns largely related to the submitters’ own buildings at 119-121 Riddiford Street. The Committee recognised that their buildings were suffering from maintenance issues, but did not accept that this was a valid reason for excluding them from the heritage area. These buildings still retain authentic heritage fabric and are in keeping

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with the streetscape. The Committee noted that the buildings were similar to others located along Riddiford Street which makes up this main thoroughfare of Newtown.

Specifically concerning the submitters' request to remove 119-121 Riddiford from the area, the Hearing Committee explored the idea of starting the heritage area at the BNZ and Ming's Food Market buildings, but noted that these buildings have been identified as non-heritage buildings and was an inappropriate place to provide the commencement of the heritage area. It was considered that the position of the submitter's buildings on the corner of Riddiford and Rintoul Streets was a very important. This block of three buildings signals the commencement of the Newtown shopping centre and aid in the experience of viewing the listed wedge building at 112-128 Riddiford Street. For these reasons, the Committee concluded that 119-121 Riddiford Street should remain in the Newtown area and therefore recommend that submission 31 be rejected.

Recommendations

Accept submission 7 insofar that it supports the proposed Newtown Shopping Centre Heritage Area.

Reject submission 7 insofar that it requests the inclusion of 184, 211-221, 247-249 and 257 Riddiford Street in the heritage area.

Reject submission 7 insofar that it requests that a single storey heritage area is created for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible.

Reject submission 26 insofar that it requests that 150 Riddiford Street is removed from in the proposed Newtown Shopping Centre Heritage Area.

Reject submission 27 insofar that it requests that 138-140 Riddiford Street is removed from in the proposed Newtown Shopping Centre Heritage Area.

Accept further submission FS6 insofar that they oppose the exclusion of 138-140 and 150 Riddiford Street from the proposed Newtown Shopping Centre Heritage Area.

Reject submission 31 insofar that it does not support the proposed Newtown Shopping Centre Heritage Area.

Reject submission 35 insofar that it requests that 10 Rintoul Street is identified as a non-heritage building.

Reject in part submission 35 insofar that it requests that 14 Rintoul Street is identified as a non-heritage building, but in doing so; remove this building altogether from the heritage area.

Accept submission 35 insofar that it requests that 156-162 Riddiford Street is identified as a non-heritage building.

Accept submission 35 insofar that it requests that 191 Riddiford Street is identified as a non-heritage building.

Accept submission 35 insofar that it requests that the public toilets on the corner of Constable and Riddiford Streets are identified as a non-heritage building.

Reject submission 35 insofar that it requests that the interior of Castles Chemist at 139 Riddiford Street is listed in the District Plan.

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5.3.6 Thorndon Shopping Centre Heritage Area

In total, five submissions and one further submission was received on the proposed creation of a heritage area in the Thorndon shopping centre. Of those submissions, one submission was in support and three were in opposition to the proposal. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

No submitters specifically on Thorndon spoke to their submission at the hearing.

Minor amendment

Although no submission was received, Officer's received a telephone call after notification of the plan change regarding the address reference and legal description of 356a Tinakori Road which accommodates an antique shop. As notified, the address reference and legal description is 356a Tinakori Road (Lot 1 DP 60706). The caller indicated that this should be 356 Tinakori Road (Unit 10 DP 60611). Officers have confirmed that this is correct and therefore the Hearing Committee considers that this can be dealt with as a minor editorial amendment to DPC 75.

Submissions in support and recommendations

Submitter 32 (Murray Pillar) supported the proposed heritage area and noted that commercial heritage has to exist to facilitate the community's sense of place. He noted that this does come at a cost to building owners, and therefore encouragement is required to maintain this commercial activity avoiding the community becoming just any group of buildings on a main traffic route. He was of the view that conversion of retail buildings to residential does not contribute to the life and vibrancy of the street.

The submitter considered that Thorndon shopping area needs to sit within a protocol that fully supports the heritage of the area. Consistently designed elements could include street and traffic signs, hard landscaping, street light, rubbish bins, seating etc.

The support of **submitter 32 (Murray Pillar)** is acknowledged and it is recommended that this submission is accepted. Some elements of the submission were not in the scope of the plan change but are acknowledged and will be passed onto officers for consideration.

Submissions in opposition and recommendations

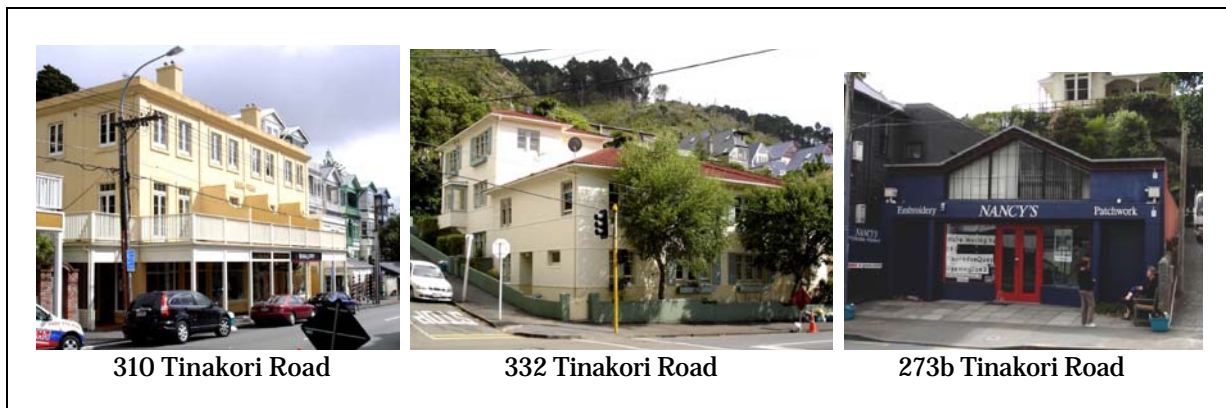
The following submissions all requested that modern buildings which have been identified as part of the proposed Thorndon heritage area are either excluded or identified as non-heritage buildings:

Submitter 1 (Gin Young) requests that 2007 building of 318 Tinakori Road is removed from the proposed area.

Submitter 8 (Mandy Joseph) requests that 277-279 Tinakori Road be identified as a non-heritage building.

Submitter 35 (The Architecture Centre) requests that 275a (i.e. 273b Nancy's), 287, 310, 318 and 332 Tinakori Road be recognised as non-heritage buildings.

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Although the Hearing Committee did not necessarily consider that these replica examples were “wrong” they agreed that the built environment needs to make sense historically and that heritage areas should not mean that new buildings should be built to look old. The Committee were concerned that if they remain identified as contributors within the context of the heritage area, it could signal that the Council approves of such an approach, which its proposed design guides clearly do not.

Based on these observations, the Committee agree that 275a (i.e. 273b Nancy’s), 277-279, 287, 310 and 318 Tinakori Road should be recognised as non-heritage buildings and therefore the submissions of submitter 1, 8 and 35 are accepted in this regard. However, the Committee did not agree with submitter 35’s suggestion that the 1937-8 building at 332 Tinakori Road was a non-heritage building, and this regard the submission is not supported.

In terms of the other submissions points received, **Submitter 2 (Perry Lark)** opposed the inclusion of 273 Tinakori Road and requested that it removed from the proposed area. 273 Tinakori Road was known as the former Manchester House (and post office) and constructed sometime in the 1880s. The building is of considerable age and although altered, is considered to retain strong historical importance and heritage integrity. In this regard, the submitter’s request is recommended to be rejected by the Committee.

Submitter 35 (The Architecture Centre) suggested that 338-340 Tinakori Road be included in the proposed heritage area as ‘contributing buildings’. These buildings, known as “Windsor Court” were built in the 1960’s and consist of plain rectangular prisms with cantilevered balconies facing Lewisville Terrace. The buildings were not considered by the heritage consultants to be a contributor to the wider streetscape. The Committee agreed with the views of the heritage consultants and also considered that the bulk, scale and setting of the buildings were not in keeping with the reasonably uniform 2-3 storey building scale and strong street edge presence of the wider area. Therefore, submission 35 is recommended to be rejected in this regard.

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For the decisions discussed above, please refer to appendix map 14 shown in Appendix 2.

Recommendations

Accept submission 32 and further submission FS6 insofar that they support the proposed Thorndon Shopping Centre Heritage Area.

Reject in part submission 1 insofar that it requests that 318 Tinakori Road be removed from the proposed Thorndon Shopping Centre Heritage Area, but in doing so recognise the building as a non-heritage building.

Reject submission 2 insofar that requests that 273 Tinakori Road be removed from the proposed Thorndon Shopping Centre Heritage Area.

Accept submission 8 insofar that it requests that 277-279 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area

Accept in part submission 35 insofar that it requests that 273b Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

Accept in part submission 35 insofar that it requests that 287 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

Accept in part submission 35 insofar that it requests that the brick wall between 275 and 275a Tinakori Road be included as part of the proposed Thorndon Shopping Centre Heritage Area.

Accept in part submission 35 insofar that it requests that 310 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

Reject in part submission 35 insofar that it requests that 332 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

Reject in part submission 35 insofar that it requests that 338-340 Tinakori Road be identified as a contributing building in the proposed Thorndon Shopping Centre Heritage Area.

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6 CONCLUSION

The groups of buildings identified as part of District Plan Change 75 are very important for the contribution that they make to Wellington's historic make up. They represent physical and cultural legacies that are a significant asset to Wellington City and provide valuable links to the past for current and future generations.

The Committee does acknowledge and is appreciative of the submissions received and evidence presented by building owners of some of the costs of owning heritage buildings. It acknowledges that the goal of achieving public policy objectives while recognising the rights of private owners is a complex issue that requires the balancing of competing aims and interests.

In a day-to-day sense, the implications of the proposed heritage areas would mean very little change for owners of individual buildings. General maintenance and repair of a building and interior alterations continue to be permitted as of right. When consent is needed – for example, for an extension – the Council provides free conservation advice and technical assistance to ensure development is consistent with the heritage value of the building. In some cases, if certain criteria are met, building owners are also entitled to financial assistance under the Built Heritage Incentive Fund.

In terms of the added responsibility and restriction put in place when a building becomes a part of a heritage area under DPC75, considerable care has been taken to achieve an appropriate balance in the package of heritage policies and rules in place. The Committee considers that the heritage rules act sensitively to facilitate the reasonable use of land affected by heritage areas. The rules contain no prohibited or non-complying activities and the opportunity exists through the resource consent processes to seek consent for any work. Nothing is foreclosed and resource consent applications would typically be non-notified.

The Committee consider that the proposed listings are reasonable and will not render the properties incapable of reasonable use. They are consistent with sound resource management practice and in keeping with Part II of the Resource Management Act.

Notwithstanding this, it was strongly felt that restrictions on owners should be balanced with the offering of incentives and assistance to assist owners. The public interest in preserving these areas is strong and so some of the burden of caring for the buildings must be borne by the public.

To this end, the Committee strongly recommends the further investigation of incentives for building owners to assist them with their responsibilities. Protection without incentives would be an unjust burden for owners to carry.

This report has addressed the submissions to proposed District Plan Change 75 either generally, in respect of particular issues, or specifically.

Overall, it is recommended that the plan change be adopted but some amendments have been put forward to address omissions or otherwise improve the content or operation of the provisions in response to submissions.

**Chair: Independent Commissioner Robert Schofield
District Plan Change 75 Hearing Committee**