
REPORT 1
(1215/52/IM)

REPORT BACK ON PUBLIC CONSULTATION ON THE PROPOSED CENTRES HERITAGE AREAS

1. Purpose of Report

The purpose of this report is to report back to the Committee on the outcome of the consultation exercise undertaken with property owners in the seven potential centre heritage areas and to propose a way forward for the Committee's consideration and approval.

2. Executive Summary

As part of the review of the Suburban Centre chapters of the District Plan initiated in 2007, Council undertook a heritage study of all of Wellington's centres.

As a result of this review, seven centres have been identified as potential heritage areas. These are Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown, Island Bay Terminus (Shorland Park shops) and Thorndon (Town Centre).

During the initial consultation on the draft plan change for Suburban Centres (held from December 2008 to April 2009) Council received feedback from 77 people regarding the potential heritage areas. While the majority of respondents supported the proposals (51%), officers noted that the majority of the feedback in opposition (40%) came from people owning property in the potential heritage areas. Based on these responses, officers have undertaken further consultation with property owners opposed to the potential heritage areas.

This is a separate consultation to that currently being undertaken regarding heritage values in the residential areas of Thorndon.

Since November 2009, Council officers have undertaken specific consultation with these building owners. Whilst some property owners acknowledge that their area has a particular character and heritage value, others do not agree. However, in all cases the building owners contacted are united in their view that they are against the creation of heritage areas and consider that the proposals would have an adverse affect on the operation of their businesses and future

development of their property in general. The results of the consultation are detailed in **Appendix 1**.

The scale of opposition has not been even across the centres. Comparatively few responses were received from owners in Thorndon (Town Centre), Berhampore, and Newtown (less than 10%). Aro Valley and Hataitai had moderate response rates (approximately 20-30%), while in John Street (Newtown) and Island Bay Terminus over 50% of the owners responded.

It is important to note that the majority of responses to the initial consultation supported the proposed heritage areas. While these responses generally came from people who do not own property within the areas, it does indicate that a significant proportion of the wider community retains an interest in the ongoing management of heritage and character within Wellington's town centres.

Following the consultation, officers have reassessed whether to progress the potential heritage areas (particularly those that remain strongly contested) and assess whether the heritage values of each area justify the likely time, cost and effort of pursuing a plan change. With the exception of Island Bay Terminus it is considered that the underlying heritage values of the areas put forward are sufficient to warrant heritage area status. It is therefore recommended that the proposed heritage areas for the centres of Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) proceed to a proposed plan change.

Following consultation it is proposed to amend the boundary of the proposed John Street (Newtown) heritage area to exclude 2 Hospital Road and the rear sections of 163, 169 and 171 Adelaide Road.

An amendment to the boundary of the proposed Newtown Central heritage area is also recommended to include the buildings located at 179 and 193a Riddiford Street and 8, 8a, 10, 12 and 14 Constable Street. These buildings have been identified in the heritage report as having strong heritage value (179 Riddiford Street is already identified as a listed building on the District Plan) and are considered to make important streetscape contribution to this key intersection in Newtown. Officers propose to undertake further consultation with the owners of these properties, the results of which will be reported back to Committee in May.

It is not proposed to proceed with the Island Bay Terminus heritage area, on the grounds that the area has more modest heritage values compared to the other areas, and given the feedback received.

3. Recommendations

It is recommended that the Committee:

1. *Receives the information.*
2. *Notes the feedback from the second round of consultation (targeted at property owners that had previously expressed opposition) on the potential centres heritage areas.*
3. *Agrees with the following approach to the further development of the centres heritage areas plan change:*
 - a. *Do not proceed with the proposed Island Bay Terminus (Shorland Park shops) as part of a proposed centres heritage area plan change;*
 - b. *Proceed with a proposed plan change for the creation of heritage areas in Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre).*
 - c. *Amend the north-eastern boundary of the proposed John Street (Newtown) heritage area to exclude 2 Hospital Road and the rear sections of 163, 169 and 171 Adelaide Road, as shown in Appendix 2.*
4. *Agrees to include the further development of the centres heritage area plan change, subject to further consultation being undertaken by officers:*
 - a. *Amend the south-eastern boundary of the proposed Newtown Central heritage area to include 179 and 193a Riddiford Street and 8, 8a, 10, 12 and 14 Constable Street, as shown in Appendix 2.*
5. *Notes that officers will undertake further consultation with those building owners located in the proposed Newtown Central heritage area and report back the feedback to the Strategy and Policy Committee in May 2010.*
6. *Notes that the feedback received and the proposed way forward will be communicated directly back to all submitters via a letter.*
7. *Notes that the centres heritage area plan change and the feedback from the further Newtown Central heritage area consultation will be reported back to the Strategy and Policy Committee in May 2010.*

4. Background

4.1 Legislation and Wellington City Council Policy

Wellington City Council has a statutory obligation under the Historic Places Act 1993 and the Resource Management Act 1991 (RMA) to identify and provide for the protection of the city's heritage.

In 2005 Council adopted its Built Heritage Policy which aims to provide greater recognition and protection for the city's built heritage as well as the creation of more heritage areas in the District Plan.

Over the past two decades Council's heritage efforts have focused on the Central Area as this area was perceived as being subject to the highest pressure to redevelop buildings and properties.

Since the Built Heritage Policy was adopted, Council has undertaken four heritage related plan changes:

- DPC 43 – was a review of the policies and rules used to manage listed heritage items and areas
- DPC 48 – introduced eight new heritage areas in central Wellington, to recognise the collective value and unique character of these inner city neighbourhoods
- DPC 53 and 58 – proposed the listing of 66 new buildings, mostly in the Central Area, but including a proposed heritage area covering the main Island Bay shopping centre.

Even though they have not been subject to the same development pressures as the Central Area, the city's suburban shopping centres are noticeably under-represented in the city's heritage listings. At present there are only 16 listed heritage buildings located within the City's centres zone (see below).

Table 1: Existing listed heritage buildings within centres

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

In addition to these listed buildings the plan provides a degree of protection to buildings in the Thorndon Character Area and the Island Bay Village Heritage Area (DPC58).

Recognising the limited protection currently afforded by the plan, Council commissioned a heritage study of the city's suburban centres to identify if any contained significant clusters of heritage buildings (including sites or objects). This work was undertaken as part of the background research for the review of the Suburban Centre chapters of the District Plan in 2007.

4.2 Heritage Study November 2007- June 2008

The Suburban Centre heritage study followed the same approach as that used for the Central Area review (as part of plan change 48). An audit of all of the Suburban Centres in the city was undertaken to assess whether there were any areas, or neighbourhoods that warranted consideration as heritage areas. Following this detailed assessments were undertaken of those areas that contained concentrations of historically significant buildings. The study identified seven potential heritage areas:

- Aro Valley
- Berhampore (Rintoul Street)
- Hataitai
- Island Bay (Shorland Park Shops)
- John Street (Newtown)
- Newtown
- Thorndon (Town Centre)

(The boundaries of these areas are identified in **Appendix 2** of this report).

These areas were released for public consultation as part of the draft Suburban Centre Review in November 2008.

4.3 Suburban Centre Review and initial consultation on proposed heritage areas

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

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

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

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

- impose unnecessary costs and regulation on property owners
- prevent owners from being able to adapt their properties to meet future needs
- impact on their private property rights
- increase maintenance costs, and
- affect the value of their land.

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

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

4.4 Thorndon Residential Area heritage study

As part of the Residential Review of the District Plan, Council undertook a separate heritage study of the residential areas of Thorndon (the Thorndon Heritage Study). That study concluded that much of the residential area of Thorndon suburb had significant heritage values.

At its meeting on 14 May 2009, the Strategy and Policy Committee directed officers to continue consultation on the Thorndon Heritage Study. This consultation process which deals with the residential areas of Thorndon has remained independent of the work undertaken by officers on the Centres heritage areas. An extended consultation process is continuing in the form of a partnership between the Thorndon Residents Association and Council. This consultation is scheduled to run until June 2010, and will be reported back to SPC on 16 September 2010.

The Thorndon Residents Association have been informed of the proposals for the Thorndon (Town Centre) heritage area.

5. Discussion

5.1 Consultation

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

owners the opportunity to consider the proposed listing of their property again and to invite further discussion with officers.

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

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

Subsequently, officers met with most of the property owners in Aro Valley, Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) who had expressed opposition to the potential heritage areas. A small number of property owners did not make contact and/or did not meet in person due to time constraints or a reluctance to pursue the issue further.

5.2 Feedback from property owners

The second round of consultation was useful in terms of promoting dialogue between Council officers and property owners, 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 have 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.

The scale of opposition has not been even across the centres. Comparatively few responses were received from owners in Thorndon (Town Centre), Berhampore, and Newtown (less than 10%). Aro Valley and Hataitai had moderate response rates (approximately 20-30%), while in John Street (Newtown) and Island Bay Terminus over 50% of the owners responded.

A detailed summary of responses received during the targeted consultation is contained in **Appendix 1**.

5.3 Options for managing heritage values

Council has two main options regarding these areas. Either do nothing and not proceed with the proposed areas and rely on the provisions of proposed Plan Change 73 to manage future development in these areas, or proceed with the proposed heritage areas. The implications of each are explained below:

Do nothing (rely on the operative District Plan and the provisions of DPC 73, Suburban Centre Review)

The key effect of not proceeding with the heritage areas would be that buildings within the areas in question could be demolished as of right. The exception to this is buildings within the Thorndon (Town Centre) area which already receive a level of protection due to their inclusion within the existing Thorndon Character Area.

Under Plan Change 73 (Suburban Centre Review) all new building work in the identified areas would require resource consent, but Council's assessment would be limited to matters of urban design. In this regard Council would have an ability to influence the design of any new buildings to help ensure that they complement the existing character of the area.

Essentially Council would rely on an approach of advice and advocacy to manage the retention of existing buildings. While this approach can work effectively, the Council is often placed in a reactive position when dealing with development proposals affecting non-listed heritage buildings. Negotiation with owners may be successful in retaining various heritage elements but without District Plan rules, Council cannot ensure that no buildings are lost.

Proceed with heritage areas

The creation of a heritage area means that new building work is subject to a resource consent process that considers and explores how a collective group of heritage buildings can be protected in an appropriate manner. Within a heritage area every building is assessed and placed into one of the following categories:

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

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 buildings can be demolished as of right.

Listing through heritage areas in the District Plan does not cover internal alterations and in this regard it is only the exterior that is protected. Property owners still have scope for refurbishment, renovation and adaptive re-use.

The strength of heritage areas is that they allow the collective character and heritage values of an area to be considered in future development proposals. By collectively recognising buildings and spaces together, heritage areas are considered to be a useful mechanism for ensuring that areas with a high

concentration of significant buildings and settings are appropriately managed as one entity.

Considerable care has been taken to achieve an appropriate balance in the package of heritage policies and rules in place. The rules contain no prohibited or non-complying activities and the opportunity exists through the discretionary consent process to seek consent for any work. This means that there is always scope to redevelop within a heritage area, albeit in a manner that is sensitive to the heritage values of that area. No type of development or use is prohibited.

The regulatory approach provides greater certainty that buildings and spaces will be protected and where development is proposed, that it will be appropriately assessed in terms of its impact on heritage and character values.

5.4 Proposed way forward

The initial decision to nominate these heritage areas was not taken lightly. Officers are very mindful that any proposed heritage listing can have significant implications and costs for property owners, in terms of requiring resource consent for works that would otherwise be permitted.

The groups of buildings nominated for potential heritage areas are of high heritage significance and some are potentially at risk of being lost. The proposed heritage areas are important for the contribution that they make to Wellington's history and the stories they tell about how and where the city developed over time. They represent a legacy of the suburban expansion of the city and are a significant asset to the city and future generations.

In response to the feedback received and given the continued levels of opposition expressed by property owners, officers have reviewed each of the potential heritage areas to ensure that a heritage area is the most appropriate means of managing the special character and heritage values of each area.

This assessment also included consideration as to whether the heritage values of each area are sufficient to justify the resources necessary to successfully pursue a plan change to create a heritage area. The table contained in **Appendix 1** summarises the assessment undertaken for each area.

The most contentious proposed heritage area is the John Street (Newtown). In this area over half of the owners (or their representatives) remain very strongly opposed to the inclusion of their properties in the proposed area. Despite this strong opposition, the large concentration of unaltered Victorian and Edwardian buildings located in this prominent and strategically important corner are considered to be of such value that they warrant protection in the District Plan. Officers recommend a minor boundary adjustment to the north eastern boundary of the area (to exclude 2 Hospital Road and the rear sections at 163, 169 and 171 Adelaide Road), but recommend that the area should proceed forward as part of a future heritage area plan change.

Property owners in the proposed Aro Valley heritage area have also expressed strong opposition. However the centre provides the heart to a key inner city suburb which is highly regarded for its character, charm and heritage significance, and this should be recognised. It is therefore recommended that Aro Valley be put forward as part of a future heritage area plan change.

Of those consulted, only 2 owners provided feedback in Newtown Central. Both owners have expressed opposition to the proposed heritage area. These concerns have been noted, but it is considered that Newtown is one of the city's most distinctive suburbs with many landmark buildings located in the suburban centre that are worthy of collective heritage protection.

In addition, it has also been identified that there are a number of important buildings that should also be included as part of the proposed Newtown Central heritage area. These buildings are located around the Riddiford/Constable Street intersection, namely 179 and 193a Riddiford Street and 8, 8a, 10, 12 and 14 Constable Street (refer to Newtown Central map in appendix 2). The heritage report identifies these buildings as making a very important streetscape contribution in a key part of Newtown. In particular, 179 Riddiford Street is considered to be a grand building in scale and streetscape presence and is already recognised as a listed building on the District Plan. Whilst these buildings were identified in the heritage report, they were not included in the report's mapping which was used to inform the consultation and therefore these seven property owners have not been contacted as part of this consultation exercise. If the inclusion of these buildings is supported by Committee, it is proposed to contact these building owners in the coming months. The feedback from these landowners will be reported back to the Strategy and Policy Committee in May when officers present a proposed plan change for approval.

In the remaining areas of Berhampore (Rintoul Street), Hataitai and Thorndon (Town Centre), relatively few owners provided feedback. However, those owners that did contact Council did not support the introduction of a heritage area in their locality. While acknowledging the concerns of the owners, Officers consider that these areas provide important historic reference to Wellington's suburban expansion and development, and recommend that they proceed forward as part of a future centre heritage area plan change.

The one exception is the Island Bay Terminus (Shorland Park Shops) area. While the area has heritage values and strong social connections with the Italian community, these values mainly lie with 3 individual 2 storey buildings; namely 349, 351 and 355 The Parade. On the whole, officers consider that the area is small, is not situated in a key location, and does not serve as a key hub for the surrounding neighbourhood. Further, the area is compromised by an incongruous single-storey building (residential/dive shop at 353 The Parade) which is sandwiched between 2 two storey buildings and set back from the main street frontage. In this regard the area's heritage values are relatively modest compared to some of the other areas, and given the feedback received from property owners it is recommended that Council not pursue this area as a heritage area.

6. Other Matters

6.1 Adelaide Road Framework (adopted November 2008)

The Adelaide Road Framework identified that the buildings located at the John Street intersection have a distinctive townscape and heritage value that should be taken into consideration in the context of any future redevelopment options. In the process of developing the Adelaide Road Framework it was identified that any potential road widening or road works should provide for the retention of the buildings located within the potential John Street (Newtown) heritage area.

Some owners along Adelaide Road have raised concern with the proposed John Street (Newtown) heritage area. They consider that the buildings are unviable and have reached the end of their economic life. In this regard, they believe that any road widening plans would be better applied to the eastern side of Adelaide Road including the Riddiford Street corner where the potential heritage area is located.

Officers consider that the heritage values of the buildings at John Street (Newtown) are significant, and that any road works as part of the Adelaide Road Framework should be designed to avoid these buildings.

6.2 RMA Amendments

The recent amendments to the RMA specifically note that plan changes relating to heritage matters will have effect from the date of public notification. As such as soon as Council notifies a proposed plan change, a degree of protection will be provided to the buildings included within a proposed heritage area.

6.3 Financial Considerations

There are no specific OPEX or CAPEX proposals directly related to this paper.

The budget impacts to resolve any appeals that may be received following the notification, submission and hearing process will be further discussed in the May Committee report.

6.4 Climate Change Impacts and Considerations

As the proposal to identify new centres heritage areas seeks to retain the existing urban form, it is not considered to raise any significant climate change issues.

6.5 Long-Term Council Community Plan Considerations

The proposal to identify new centres heritage areas is consistent with the community outcome identified in the LTCCP. Heritage buildings contribute to the city's distinct identity and enhance its sense of place.

This proposal contributes to the following community outcome: 'Wellington will protect its heritage buildings and ensure that new developments are sympathetic to them.'

7. Conclusion

The responses received in both the Suburban Centre Review consultation (December 2008 to April 2009) and the more recent targeted consultation with property owners (December 2009 – January 2010) indicate that whilst there is wider public support for many of the proposed areas, many of the directly affected property owners strongly oppose the creation of the proposed heritage areas.

With the exception of the Island Bay Terminus area, officers consider that the underlying heritage values of the areas put forward remain valid. Careful consideration has been given to issues raised by the building owners, however it is considered that the areas identified have a wider importance to the city in terms of the contribution they make to the public's understanding of the city's history and awareness of sense of place. They help contribute to Wellington as a creative and memorable city that celebrates its past through the recognition and use of its built heritage for the benefit of the community and visitors and for future generations.

In recommending these areas as heritage areas, officers note that all of the owners will have the opportunity to make a formal submission and to appear before a hearing, if Council proceeds with the proposed heritage areas. They would also have rights to appeal any decision to the Environment Court under the provisions of the RMA.

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Supporting Information

1) Strategic Fit / Strategic Outcome

The focus of the proposed Plan Change is an integral part of the Urban Development and Cultural Wellbeing Strategies, particularly supporting the recognition of more heritage items, creating a more liveable and sustainable city and building on sense of place outcomes and goals set out in these documents.

2) LTCCP/Annual Plan reference and long term financial impact

Relates to updating the District Plan.

3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-Making

The proposals to change the District Plan are in accordance with Council's wider strategic framework including the Built Heritage Policy adopted in June 2005.

5) Consultation

a) General Consultation

A letter has been sent to all parties directly affected by the proposed heritage areas.

b) Consultation with Maori

The Wellington Tenth's Trust and Te Runanga o Toa Rangatira will be consulted on the proposed heritage areas once approval has been given to proceed with a proposed Plan Change.

6) Legal Implications

Council's lawyers will be consulted on finalising the proposed Plan Change documents.

7) Consistency with existing policy

Significant effort has gone into ensuring the proposed heritage areas are consistent with the Council's vision for the city, Sense of Place values, the Urban Development Strategy, the Heritage Policy and the Centres Policy.

