
REPORT 2
(1215/52/IM)

PROPOSED PLAN CHANGE 75 - CENTRES HERITAGE AREAS

1. Purpose of Report

To seek approval from the Committee to publicly notify proposed District Plan Change 75 (Centres Heritage Areas). Shown

2. Executive Summary

Plan Change 75 proposes the addition of six suburban centre heritage areas to the District Plan heritage inventory list, namely: Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre). These areas cover a wide variety of styles and periods of built heritage which are all reflective of Wellington's early suburban origins.

Council officers have undertaken consultation with the community and building owners. Whilst there is generally wider support from the public and community groups for many of the proposed heritage areas, the feedback building owners contacted is that they do not support 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.

While acknowledging the concerns expressed by owners, it is considered that the underlying heritage values of the areas identified are sufficient to warrant heritage area status in the District Plan. On 11 March 2010, the Strategy and Policy Committee directed officers to prepare a proposed plan change for the creation of these heritage areas.

At that same meeting it was also agreed that Officers would carry out additional consultation with the owners of buildings located at 179 and 193a Riddiford Street and 8, 8a, 10, 12 and 14 Constable Street, to include these buildings as part of the Newtown heritage area. Letters were sent to the building owners and officers visited the buildings and left calling cards/messages with tenants. No correspondence has been received from these eight building owners. Officers recommend that these buildings are included as part of the Newtown shopping centre heritage area put forward in this proposed plan change.

The creation of a heritage area has the effect of requiring resource consent for exterior alterations and modifications to all buildings in the defined area as well as considering the effect on the collective heritage values of an area.

If a building is located in a heritage area, the right of building owners to demolish or relocate their building from the site is removed, except for identified non-heritage buildings.

In any case, it should be noted that new buildings, alterations and additions in Centres will generally require resource consent as part of Plan Change 73 provisions.

The recommendation seeks approval to notify the proposed plan change and commence the statutory public consultation process.

3. Recommendations

Officers recommend that the Committee:

- 1. Receives the information.*
- 2. Agree to publicly notify proposed District Plan Change 75: Centres Heritage Areas, in accordance with the First Schedule of the Resource Management Act 1991.*
- 3. Delegate to the Portfolio Leader for Urban Development and Chief Executive the authority to approve minor editorial word changes and to give effect to any changes agreed by Committee, prior to notification.*
- 4. Adopt the Section 32 Report set out in Appendix 2 to this report.*

4. Discussion

4.1 Background

The suburban centre heritage project was initiated in November 2007 when Council commissioned a study of Wellingtons town, district and neighbourhood Centres. The study identified potential heritage areas which were released for public consultation as part of the draft Suburban Centre Review in November 2008.

Since this time Council has undertaken consultation with the general public and community organisations, as well as with the building owners. The background to this consultation is discussed in more detail in the section 32 report in **Appendix 2**. The more recent rounds of targeted consultation with building owners, undertaken November 2009 - April 2010, has resulted in continued opposition and concerns about the creation of heritage areas.

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

Following consideration, three factors were used in deciding on which items to recommend for heritage areas as part of this plan change:

- The heritage significance of the area
- The risk of loss
- The view(s) of the property owner(s)

The recommendation to put forward the plan change is based on the expert advice of a heritage architect/conservator and a historian. The heritage study has produced thorough reports for each area, which describes the history and collective values of the buildings, as well as an architectural description and brief history of each building in the area. A short version of these reports is contained in **Appendix 3** of this report.

It is considered that 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.

4.2 Plan Change 75 and Section 32 report

Plan Change 75 proposes to add the six areas: Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) to the Heritage Chapter 21 of the District Plan. Amendments are proposed to the heritage inventory list to identify each area and the addresses of the identified buildings. An appendix will contain maps which demarcate the heritage area boundaries and identify any non-heritage buildings that may be located in the area. The Plan Change is contained in **Appendix 1** of this report.

In addition, before a proposed District Plan Change is publicly notified the Council is required under section 32 of the Resource Management Act 1991 (RMA) to carry out an evaluation of the proposed change and to prepare a report. The report must examine the appropriateness of the provisions used, assess the efficiency and effectiveness of the proposal as well as evaluate the benefits and costs of a proposal and the risk of acting or not acting. The section 32 report is contained in **Appendix 2** of this report.

4.3 Building owner obligations and implications of heritage areas

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

Regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres zone provisions. Proposed Plan Change 73 (Centres and Business Areas) has, amongst other things, introduced strengthened provisions

relating to new development or modifications to existing buildings in all Centres. That includes a requirement for Discretionary Activity (Restricted) consent for new buildings and external alterations/modifications on an identified “primary frontage”, which is in most cases the main street.

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

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

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

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 Discretionary (Restricted) Activity for all other buildings

In summary the key differences relate to whether:

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

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

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

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

When a building is located in a heritage area, the resource consent process considers how a collective group of heritage buildings can be managed 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.

Heritage areas in the District Plan do not cover internal alterations and in this regard it is only the exterior that is protected. Property owners still have significant 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.

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

It is also important to note that under the Operative District Plan, the commercial areas of Newtown and Thorndon each have specific provisions and design guides that apply to new development in that area. The erection of new buildings or new additions requires a Controlled Activity resource consent. In Newtown demolition of a building is a permitted activity, whereas in Thorndon, demolition of a commercial building is a Discretionary Unrestricted Activity resource consent. These will eventually be replaced by a combination of the Plan Change 73 provisions and the heritage areas proposed in this plan change.

5. Other Matters

5.1 RMA Amendments

The 2008 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 the proposed plan change, a degree of protection will be provided to the buildings included within the identified heritage areas. This has been noted in the plan change document.

5.2 Financial Considerations

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

However, there maybe budget impacts to resolve appeals that may be received following the notification, submission and hearing process.

5.3 Climate Change Impacts and Considerations

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

5.4 Long-Term Council Community Plan Considerations

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

Plan Change 75 contributes to the following community outcome: 'Wellington will protect its heritage buildings and ensure that new developments are sympathetic to them.'

6. 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 – April 2010) indicate that whilst there is wider public support for many of the proposed heritage areas, many of the directly affected property owners strongly oppose the creation of the proposed heritage areas.

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 was sent in March 2009 to all parties directly affected by the proposed heritage area. Targeted consultation has since been undertaken with building owners who raised objection to the proposal.

b) Consultation with Maori

The Wellington Tenth Trust and Te Runanga o Toa Rangatira will be consulted as part of the proposed Plan Change notification.

6) Legal Implications

The Proposed Plan Change will be processed in accordance with the requirements of the Resource Management Act 1991

7) Consistency with existing policy

The proposed heritage areas are consistent with the Council's vision for the city, sense of place values, the Urban Development and Cultural Wellbeing Strategies and the Built Heritage Policy.