

Summary of Submissions
Proposed District
Plan Change 43 -

Heritage Provisions

Proposed District Plan Change 43 - Heritage Provisions

Summary of Submissions

Submission Number	Name	Address for Service	Wishes to be heard
1	J. S. Wylie	57 Aro Street Aro Valley Wellington	No
<p>The submitter opposes plan change 43 as it is too restrictive plus:</p> <ul style="list-style-type: none"> • Homeowners should have the right to do what they wish with their own property. • Neighbouring homeowners or others in other suburbs should not dictate to anyone what they should do with their own property. • Tenants should have no say in any decisions. • Committees and other "pressure groups" and local associations should have no say. • Homeowners should receive monetary compensation to off set the losses of control. • A fund should be established or rates reduction should be provided for compensation for affected homeowners. • If these restrictions are introduced there will ultimately be numerous old buildings, which should be demolished sitting around derelict. <p>Decision Requested: Withdraw Plan Change 43.</p>			
2	W.R. & J. Williams	18 Marsden Avenue Karori Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
3	Jessie Munro	48 Cecil Road Wadestown Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
4	Ernest Roy Savage	50 Braithwaite Street	No

		Karori Wellington	
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
5	Mrs. TB Farrance	2/80 Salamanca Road Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
6	Anne Mckinnon Edith Ryan	46B Simla Crescent Khandallah Wellington	Not Specified
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
7	Timothy John Hawley	17 Parkvale Road Karori Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
8	Chris Maclean	111 Fieldway Waikanae Kapiti 5036	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
9	Redmer Jan Yska	32 Harbourview Road Northland	No

		Wellington	
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
10	Keith Taylor Matthews	362 Tinakori Road Thorndon Wellington	No
<p>The submitter states that all applications regarding heritage buildings be publicly notified and new buildings or alterations be in keeping with their townscape surroundings.</p> <p>Decision Requested:</p> <p>Amend Plan Change 43 to incorporate public notification on all developments concerning heritage buildings.</p>			
11	Thomas Mark Pulford	99 Mills Road Morningside Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
12	Moira A Wright	176 Queens Drive Lytell Bay Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
13	Christopher Rabey	55 Apuka Street Brooklyn Wellington	No
<p>The submitter states that the existing heritage buildings in the city and suburbs should remain unaltered, unless severe damage, wear and tear etc renders them unsuitable for any preservation. Moreover, the unique architectural design these structures enjoy would be compromised with any alteration, unless that modification enhances the original design.</p> <p>Decision Requested:</p> <p>Amend the Heritage Rules for that they preserve heritage buildings in their original state and only permit modification if the alteration is in keeping with the original design.</p>			
14	Judith Irene Edmonds	13 Kinghorne Street Strathmore Park	No

		Wellington	
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> Retain additions and alterations as a discretionary activity. Amend the plan so it is easier to read. 			
15	Margaret Grace Stothart	4/326 the Terrace Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> Retain additions and alterations as a discretionary activity. Amend the plan so it is easier to read. 			
16	Arco House Limited	PO Box 24-120 Wellington Attn: Sylvia Allen	Yes
<p>The submitter raises concern with the plan change as a whole, specifically the change from controlled to full discretionary status of alterations and modifications of listed heritage buildings; (Rule 21A.2) the onerous and unreasonable information requirements and criteria for consideration of applications; (3.2) the onerous and unreasonable criteria for demolition of heritage buildings; (Rule 21A.3) the lack of distinction in terms of the plan provisions applying to listed buildings of nationally important heritage values and those of little or not heritage values at all; the difficulty and cost of compiling information and seeking consents which may improve the heritage values of the buildings and thus provide a public benefit; and the lack of an adequate section 32 analysis of the costs and benefits of the proposed provisions.</p> <p>Decision Requested:</p> <p>Withdraw Plan Change 43. .</p>			
17	Foodstuffs (Wellington) Co-Operative Society Ltd	Gillespie Young Watson PO Box 30-940 Lower Hutt	Yes
<p>General:</p> <p>Foodstuffs (Wellington) Co-operative Society Ltd opposes DPC 43 in its entirety. The DPC is not a well balanced resource management response. The current provisions, if administered properly, provide a more appropriate balance between heritage management and other resource management issues. Any perceived heritage "failures" is likely to be due to factors other than a weakness of the current heritage rules. The Plan Change is contrary to the purpose and principles of the RMA in that it will promote a protectionist approach at the expense of other resource management issues and make it more difficult to sustain employment and vital services such as Foodstuffs provides in the City.</p> <p>Decision Requested:</p> <p>Decline DPC 43.</p> <hr/> <p>21A.2.1</p> <p>Making additions and alterations a Discretionary Activity is unnecessary and will add compliance costs, time delay and uncertainty to proposals.</p> <p>Decision Requested:</p> <p>Delete the provision.</p> <hr/> <p>21A.2.2 & 21A.3.2</p>			

<p>Making new development and additions or alterations to non-listed buildings and/or subdivision on a site of a listed item to protect the setting is unnecessary and will add compliance costs, time delay and uncertainty to proposals.</p> <p>Decision Requested: Delete the provision.</p>			
18	J.A.W. & N.D. Moore	112B Britomart Street Berhampore Wellington	No
<p>Supports additions and alterations being a discretionary activity.</p> <p>Decision Requested: Retain additions and alterations as a discretionary activity.</p>			
19	Dr. Peter & Mrs. Pauline Russell	16 Glenside Road Glenside Wellington	No
<p>Supports additions and alterations being a discretionary activity.</p> <p>Decision Requested: Retain additions and alterations as a discretionary activity.</p>			
20	Gary Richard Black	5F-19 Maida Vale Road Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
21	Judith L Berryman	27 Trelissick Crescent Ngaio Wellington	No
<p>Supports additions and alterations being a discretionary activity.</p> <p>Decision Requested: Retain additions and alterations as a discretionary activity.</p>			
22	Bridget Elenor Hodgkinson	45A Calcutta Street Khandalla Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand. Additionally, submitter believes that the provisions do not reflect the level of commitment in the Built Heritage Policy. The submitter also opposes discretionary activity status for demolition or relocation.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			

<ul style="list-style-type: none"> Amend provisions to ensure historic heritage is properly protected. Make demolition or relocation a non-complying activity. 			
23	Laurence Murray Greig	19 Lawson Place Mt. Victoria Wellington	No
<p>Supports additions and alterations being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
24	Jackie Tutt	25 Epuni Street Aro Valley Wellington	Not Specified
<p>In full support of NZH Places Trust submission.</p> <p>Decision Requested:</p> <p>Adopt PC 43 subject to NZHPT's recommended amendments.</p>			
25	Judith Merrell Nathan	2A Main Street Mt. Victoria Wellington	No
<p>Supports additions and alterations being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
26	AF & ES Ferguson	50 Jubilee Road Khandallah Wellington	No
<p>Supports all the proposed changes.</p> <p>Decision Requested:</p> <p>Adopt Plan Change 43.</p>			
27	Dale Mary McTavish	59 Owen Street Newtown Wellington	No
<p>3.2 Information to be supplied.</p> <p>Decision Requested:</p> <p>The new information to be supplied with resource consents is fully supported.</p>			
<p>21A.2 Supports additions and alterations, demolition and relocation being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
28	Janice Calder	5 Fettes Crescent	No

		Seatoun Wellington	
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
29	Catherine Anne Mary Lythe	64 Old Porirua Road Ngaio Wellington	No
<p>The submitter fully supports Plan Change 43.</p> <p>Decision Requested:</p> <p>That Council approve the proposed District Plan Change 43.</p>			
30	Margaret H & William H Alington	30 Friend Street Karori Wellington	No
<p>The submitter states that more buildings of architectural, historic and design quality be added to the heritage inventory; that all development and maintenance be at the discretion of the council and NZHPT and any proposed plans made be publicly notified before consent is issued.</p> <p>Decision Requested:</p> <p>Adopt PC 43 subject to the points raised above.</p>			
31	Beverley Gail Andrews	110A Wilton Road Wilton Wellington	No
<p>Supports the Plan Change but the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <p>Confirm Plan Change 43 and if possible amend the plan so it is easier to read especially 21A and 21B.</p>			
32	Glen S Robertson	C/ NZ Founders Society PO Box 11-803 Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
33	Graham Wilson Salmond	9 Cluny Avenue Kelburn Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be</p>			

<p>concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
34	The Architectural Centre Inc	PO Box 24178 Wellington Attn: Christine McCarthy	Not Specified
<p>The Architectural Centre strongly supports the Plan Change but raises concern with the following:</p> <ul style="list-style-type: none"> • The policy needs to acknowledge that good development might positively contribute to Wellington's heritage stock - both in terms of smart reuse of existing historic heritage and in the production of new architectural heritage. • Proposed advocacy and financial incentives must be explicitly outlined with a formal commitment to specific activities and goals to monitor the success, funding levels, and effectiveness of this advocacy re: public and building industry education. • There is still a privileging of the public facade or elevation over a more comprehensive interest in the building as heritage. This has meant that many culturally valuable interiors of buildings have been gutted, and that the rear service sides of buildings (and stables and other utility buildings behind street buildings) have been demolished. A comprehensive survey of inner city buildings should be undertaken. • That 21B, heritage rules encourage new developments that err towards the side of caution and mimicry rather than assertive architecture in its own right. <p>Decision Requested:</p> <p>That Council:</p> <ul style="list-style-type: none"> • Undertake an interiors survey. • Establish new heritage areas which recognise industrial architecture (eg the Hannah Shoe Factory Precinct). Make available the heritage inventory listed buildings and objects on the council website. • Adopt a strategy to address those buildings worthy of protection which, due to limited resources (or other reasons), are not listed in the District Plan. • Establish a mechanism to explicitly recognise excellent contemporary architecture as heritage, and consider establishing a heritage precinct for excellent contemporary architecture. • Determine that heritage cannot be used as a lever to achieve private property gains to the detriment of Wellington's cityscape and urban design. • Provide regular seminars and lectures for developers, architects and others involved in the building industry about heritage issues, and best practices in heritage development etc. • Consider strategies to develop an appreciation of Wellington's architecture and built environment by the public. • For example regular tours of significant Wellington architecture. • Work with the Futuna Trust to ensure long term viability for public access and ownership of Futuna Chapel. 			
35	Ralph & Margaret Pannett	3 Percival Street Wellington	No
<p>3.10</p> <p>For a sensible reading of the Heritage Policy and Rules one must understand the Plan's technical terms, in particular: Permitted Activities, Controlled Activities, Discretionary Activities (Restricted), Discretionary Activities (Unrestricted).</p> <p>Decision Requested:</p> <p>Critical definitions in 3.10 should be appended to the Heritage volumes 20 and 21 and unless the terms quoted above are legal terms, they should be rephrased in self evident plain language.</p> <hr/> <p>20.1.1</p> <p>It is not clear why the original text 20.1.1.1 Cultural Values offering various criteria has been deleted.</p> <p>Decision Requested:</p> <p>The submitter wishes something similar to be retained.</p> <hr/> <p>20.2.1.2</p>			

<p>This policy appears inconsistent.</p> <p>Decision Requested:</p> <p>No sustainable use' in 20.2.1.2 requires definition.</p>			
<p>20.2.11</p> <p>The submission concerns Policy 20.2.11.</p> <p>Decision Requested:</p> <p>In the absence of in-house knowledge and expertise, Council should accept the professional findings of the NZ Historic Places Trust and the NZ Archaeological Association when addressing 20.2.11.</p>			
<p>21D.1.1</p> <p>The submission relates to signs on listed buildings or objects.</p> <p>Decision Requested:</p> <p>Signs on listed buildings or objects should only relate to the historical or cultural context of that building or object, otherwise they should be a Discretionary Activity (restricted).</p>			
36	Jean M Cartmell	6 Station Road Khandallah Wellington	No
<p>21A.2</p> <p>Supports additions and alterations, demolition and relocation being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
37	Jane Meares & Denis Clifford	71 Bolton Street Wellington	Not Specified
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> Retain additions and alterations as a discretionary activity. Amend the plan so it is easier to read. 			
38	Kathryn Rachel Fortune	9A Wadestown Road Wadestown Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> Retain additions and alterations as a discretionary activity. Amend the plan so it is easier to read. 			
39	Flagstaff Hill Area Resident's Association	C/- 241A The Terrace Wellington	No
<p>General</p> <p>In general Flagstaff Hill Area Residents Association supports the proposed Plan Change 43. However, it does raise concern with the following:</p>			

<p>Decision Requested:</p> <p>Amend the proposed change per the suggestions of Flagstaff Hill Resident's Association.</p>			
<p>3.10</p> <p>For a sensible reading of the Heritage Policy and Rules one must understand the Plan's technical terms, in particular: Permitted Activities, Controlled Activities, Discretionary Activities (Restricted), Discretionary Activities (Unrestricted).</p> <p>Decision Requested:</p> <p>Critical definitions in 3.10 should be appended to the Heritage volumes 20 and 21 and unless the terms quoted above are legal terms, they should be rephrased in self evident plain language.</p>			
<p>20.1.1</p> <p>It is not clear why the original text 20.1.1.1 Cultural Values offering various criteria has been deleted.</p> <p>Decision Requested:</p> <p>The Association would wish something similar to be retained.</p>			
<p>20.2.1.2</p> <p>This policy appears inconsistent.</p> <p>Decision Requested:</p> <p>No sustainable use' in 20.2.1.2 requires definition.</p>			
<p>20.2.11</p> <p>The submission concerns Policy 20.2.11.</p> <p>Decision Requested:</p> <p>In the absence of in-house knowledge and expertise, Council should accept the professional findings of the NZ Historic Places Trust and the NZ Archaeological Association when addressing 20.2.11.</p>			
<p>21D.1.1</p> <p>The submission relates to signs on listed buildings or objects.</p> <p>Decision Requested:</p> <p>Signs on listed buildings or objects should only relate to the historical or cultural context of that building or object, otherwise they should be a Discretionary Activity (restricted).</p>			
40	Maryan & Kathryn Street	10 Rewa Road Hataitai Wellington	No
<p>21A.2</p> <p>Supports additions and alterations, demolition and relocation being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
41	William Martin Bond	PO Box 27-470 Marion Square Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> Retain additions and alterations as a discretionary activity. Amend the plan so it is easier to read. 			
42	Diana Mary Beaglehole	34 Friend Street	No

		Karori Wellington	
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
43	Jennifer Sylvia Bryant	6 St. Albans Avenue Karori Wellington	No
<p>Submitter supports additions and alterations being a discretionary activity and believes that the new policies and rules need to be concise and easy to understand.</p> <p>Decision Requested:</p> <ul style="list-style-type: none"> • Retain additions and alterations as a discretionary activity. • Amend the plan so it is easier to read. 			
44	Deborah Burns	49 Upland Road Kelburn Wellington	No
<p>21A.2 Supports additions and alterations, demolition and relocation being a discretionary activity.</p> <p>Decision Requested:</p> <p>Retain additions and alterations as a discretionary activity.</p>			
45	Peter Cooke	PO Box 9724 Wellington	No
<p>Demolition and major additions should be a discretionary activity (unrestricted).</p> <p>Decision Requested:</p> <p>Amend 21A.2.1 and 21A.2.2 to reflect the above.</p>			
46	Ontrack(New Zealand Railways Corporation)	PO Box 593 Wellington	Yes
<p>20.2.1.2 Policy 20.2.1.2 includes unreasonable requirements.</p> <p>Decision Requested:</p> <p>Amend Policy 20.2.1.2 by removing the word "irrefutably".</p>			
<p>20.2.1.4 The Plan Change seeks to unreasonably extend the legislative scope of the RMA.</p> <p>Decision Requested:</p> <p>Amend Policy 20.2.1.4 by inserting the words "by ensuring that the effects of inappropriate subdivision, use and development" so that the amended policy reads as follows: "Protect the heritage values of listed buildings and objects by ensuring that the effects of inappropriate subdivision, use and development on the same site as any listed building or object are avoided, remedied or mitigated".</p>			

<p>21A.2.2 The Plan Change fails to provide for reasonable development within large sites containing listed buildings or objects.</p> <p>Decision Requested: Amend rule 21A.2.2 (and by association Policy 20.2.1.3) by including a diagram that confirms that the "site" of the Wellington Railway Station building.</p>			
47	Capital Properties New Zealand Ltd	<p>C/o Mr A Robinson The Bayleys Building PO Box 1690 Wellington</p>	Yes
<p>General</p> <p>Capital Properties New Zealand Ltd opposes all of DPC43 for failing to comply with Section 5 of the RMA, placing undue weight on Section 6(f), deficiencies in the Section 32 report and inconsistencies with section 85 of the RMA because the charge would render interests in land incapable of reasonable use.</p> <p>Decision Requested: Reject all of DPC43.</p>			
<p>3.2.2.14</p> <p>Information to be submitted with an Application for Resource Consent. The submitter opposes most of the information requirements on the grounds that they are unnecessary, impractical or create compliance difficulties.</p> <p>Decision Requested: Reject 3.2.2.14</p>			
<p>20.1</p> <p>The words "The identification, protection and use of these places are fundamental to the sustainable management of Wellington's natural and physical resources" in paragraph 1, 20.1 Introduction are an overstatement and are inconsistent with the purpose of sustainable management and it does not accord with section 6(f) of the RMA.</p> <p>Decision Requested: Amend the provision so it is consistent with the RMA, including Part II and section 85, replace the word "protection" with the words in section 6(f) of the RMA and add that heritage provisions must not render an interest in land incapable of reasonable use so that 20.1 is consistent with section 85.</p>			
<p>20.1.1</p> <p>The words "the Council strongly supports the protection of the City's built heritage and in June 2005 adopted a Built Heritage Policy" is inconsistent with the RMA.</p> <p>Decision Requested: Delete the above words from 20.1.1 and related provisions.</p>			
<p>20.1.1</p> <p>The paragraph in 20.1.1 relating to surroundings is excessive and the District Plan should identify explicitly in the heritage provisions any building which is affected by the heritage provision.</p> <p>Decision Requested: Delete the paragraph in 20.1.1 relating to surroundings.</p>			
<p>20.2.1</p> <p>Objective 30.2.1 to recognise and protect the city's historic heritage is inconsistent with the Ram and fails to recognise the interests of owners and occupiers.</p> <p>Decision Requested: Amend objective 20.2.1 to read: "to recognise and protect the City's historic heritage from inappropriate subdivision, use and development".</p>			

20.2.1.2

Policy 20.2.1.2 relating to the protection of listed buildings or objects from demolition or relocation is inconsistent with section 6(f) in that protection should be from only inappropriate subdivision use, and developments. It is also commented that the criteria to be fulfilled before demolition or relocation will be allowed are far too high and they are inconsistent with the RMA. The requirement that it be demonstrated irrefutably that there is no sustainable continued use is so high it would be impracticable to meet the standard of proof.

Decision Requested:

Amend Policy 20.2.1.2 so it is consistent with section 6(f) and section 85 RMA so it reads: "Protect historic buildings and objects from inappropriate subdivision, use and development and have regard to wider aspects of sustainable management, including the interests of owners and occupiers".

20.2.1.3

It is submitted that policy 20.2.1.3 promotes sustainable continued use while ensuring that effects on heritage values are avoided, remedied or mitigated but the policy fails to recognise the need to avoid restrictions which render land incapable of reasonable use and which may cause hardship to property owners and in this regard the policy is unjust and inconsistent with the RMA, and is also inconsistent with Section 6(f).

Decision Requested:

Amend the policy so that it recognises that conservation cannot be promoted at the expense of rendering land incapable of reasonable use so it duly recognises the rights of those with an interest in the listed heritage items. Amend policy 20.2.1.3 to read: "Promote the conservation and sustainable use of listed buildings in a way which protects them from inappropriate subdivision, use and development".

20.2.1.6

It is submitted that Policy 20.2.1.6 is inconsistent with section 6(f) RMA, fails to duly take into account sections 5 and 85 RMA and should expressly apply only to identified buildings and not to a heritage area.

Decision Requested:

Delete policy 20.2.1.6.

20.2.1.7

It is submitted that policy 20.2.1.7 relating to additions and alterations to heritage buildings sets a standard that is unrealistically high. It is also argued that heritage controls should not be imposed on non heritage buildings and that the policy should not render an interest in land incapable of reasonable use and should not create injustice.

Decision Requested:

Delete policy 20.2.1.7.

20.2.1.8

It is submitted that policy 20.2.1.8 may not maintain and enhance heritage values but result in the diminution of them or the loss of the heritage item.

Decision Requested:

Delete policy 20.2.1.8.

21A.1

The submission supports relevant activities such as repairs and maintenance and internal alterations and additions as a permitted or discretionary activity (restricted).

Decision Requested:

That rule 21A.1 permitted activities: repairs and maintenance should be retained and Rule 21A.1.2 internal additions and alterations etc also should be retained.

21A.2

The submission on Rule 21A.2 addresses most of the provisions and requests various amendments and deletions

Decision Requested:

- Amend 21A.2 so that all relevant work (including alterations and additions to, and demolition of a listed heritage item) which is not a permitted activity is a discretionary activity (restricted).

- Amend 21A.2.1 by deleting the exceptions in the three bullet points.
- Amend the matters in respect of which the Council has retained discretion by deleting 21A.2.1.2 height, 21A.2.1.3 coverage and 21A.2.1.4 bulk and massing of buildings.
- Amend 21A.2.1, assessment criteria, so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers.
- Delete 21A.2.2.
- Delete 21A.2.2.2.
- Delete 21A.2.2.3.
- Delete 21A.2.2.4.
- 21A.2.2 assessment criteria, amend 21A.2.2.5-7 so they are more balanced and to have due regard to matters other than heritage, including other aspects of Part II RMA section 85, and the interests of owners and occupiers.

21A.3

The submission opposes the Discretionary Activity (Unrestricted) provisions and seeks that all relevant activities should be either permitted or discretionary activities (restricted). It is also stated that when considering a proposal in respect of a heritage item the effect of the proposal on heritage only should be relevant. By putting proposals in respect of heritage items in the discretionary activity (unrestricted) category matters irrelevant to heritage effects may be taken into account when they should not be.

Decision Requested:

Delete Rule 21A.3.

21A.3.1

The assessment criteria for Rule 21A.3 are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

Decision Requested:

If 21A.3 is not deleted as requested amend 21A.3.1.1-9 so the assessment criteria are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, as follows: 21A.3.1.1 Whether the proposal protects historic heritage from inappropriate, subdivision, use and development; 21A.3.1.2 The interests of owners, occupiers and anyone else with an interest in the building; 21A.3.1.1 Whether restrictions for heritage purposes will be contrary to section 85 RMA; 21A.3.1.4 Whether the proposal promotes sustainable management.

21A.3.2

The submission opposes Rule 21A.3.2 on the grounds that there is inadequate justification for such a rule; the rule is too blunt an instrument; the existing provisions in the District Plan for subdivisions are adequate in all respects; and inappropriate especially for large sites.

Decision Requested:

Delete Rule 21A.3.2.

21B.2

The submission states that for discretionary activities (restricted) the only matters in respect of which the Council should reserve a discretion should be effects on historic heritage, and the assessment criteria in 21B.2.1.5-11 are unbalanced and fail to have due regard to matters other than heritage, including other aspects Part II RMA, section 85, and the interests of owners and occupiers of properties.

Decision Requested:

Amend 21B.2 so any new building and all work on an existing building (including modifications, additions, relocation and demolition) is a discretionary activity restricted. 21B.2.1 amend the matters in respect of which the Council retains discretion by deleting 21B.2.1.2 design, 21B.2.1.3 height, sitting and coverage and also 21B.2.1.4 bulk and massing of buildings. 21B.2.1, assessment criteria, 21B.2.1.5-11 amend the criteria so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

21B.3

The submission states that Rule 21B.3 discretionary activities (unrestricted) should be deleted because the Council should have discretion in respect of effects on historic heritage only. It is also commented that the assessment criteria are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, and that the provisions are contrary to: a) the RMA; b) property legal principles; c) good resource management, theory and practice.

<p>Decision Requested:</p> <p>Delete 21B.3 discretionary activities (unrestricted). 21B.3 discretionary activities (unrestricted) (if it is not deleted pursuant to the primary request above) then amend the assessment criteria in 21B.3.1.1-8 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, and section 85 and the interests of owners and occupiers. Delete 21B.3.2 which includes as a discretionary activity (unrestricted) earthworks which are not a permitted activity and make all earthworks which are not a permitted activity a discretionary activity restricted. Amend the assessment criteria for 21B.3.2 (if contrary to the primary submission it is retained) so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers. Delete 21B.3.3 which includes as a discretionary activity (unrestricted) any subdivision of a site within a heritage area and include or make such subdivisions discretionary activities restricted. 21B.3.3 amend the assessment criteria for subdivisions in a heritage area by substituting for 21B.3.3.1: "The effect of the proposal on heritage". Amend the assessment criteria for 21B.3.3 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85.</p>			
48	Huddart Parker Building Ltd	C/o Mr Jeff Tong Chapmantong Law PO Box 10614, The Terrace Wellington	Yes
<p>General</p> <p>Huddart Parker Building Ltd opposes all of DPC43 for failing to comply with Section 5 of the RMA, placing undue weight on Section 6(f), deficiencies in the Section 32 report and inconsistencies with section 85 of the RMA because the charge would render interests in land incapable of reasonable use.</p> <p>Decision Requested:</p> <p>Reject all of DPC43.</p>			
<p>3.2.2.14</p> <p>Information to be submitted with an Application for Resource Consent. The submitter opposes most of the information requirements on the grounds that they are unnecessary, impractical or create compliance difficulties.</p> <p>Decision Requested:</p> <p>Reject 3.2.2.14</p>			
<p>20.1</p> <p>The words "The identification, protection and use of these places are fundamental to the sustainable management of Wellington's natural and physical resources" in paragraph 1, 20.1 Introduction are an overstatement and are inconsistent with the purpose of sustainable management and it does not accord with section 6(f) of the RMA.</p> <p>Decision Requested:</p> <p>Amend the provision so it is consistent with the RMA, including Part II and section 85, replace the word "protection" with the words in section 6(f) of the RMA and add that heritage provisions must not render an interest in land incapable of reasonable use so that 20.1 is consistent with section 85.</p>			
<p>20.1.1</p> <p>The words "the Council strongly supports the protection of the City's built heritage and in June 2005 adopted a Built Heritage Policy" is inconsistent with the RMA.</p> <p>Decision Requested:</p> <p>Delete the above words from 20.1.1 and related provisions.</p>			
<p>20.1.1</p> <p>The paragraph in 20.1.1 relating to surroundings is excessive and the District Plan should identify explicitly in the heritage provisions any building which is affected by the heritage provision.</p> <p>Decision Requested:</p> <p>Delete the paragraph in 20.1.1 relating to surroundings.</p>			
<p>20.2.1</p>			

Objective 30.2.1 to recognise and protect the city's historic heritage is inconsistent with the Ram and fails to recognise the interests of owners and occupiers.

Decision Requested:

Amend objective 20.2.1 to read: "to recognise and protect the City's historic heritage from inappropriate subdivision, use and development".

20.2.1.2

Policy 20.2.1.2 relating to the protection of listed buildings or objects from demolition or relocation is inconsistent with section 6(f) in that protection should be from only inappropriate subdivision use, and developments. It is also commented that the criteria to be fulfilled before demolition or relocation will be allowed are far too high and they are inconsistent with the RMA. The requirement that it be demonstrated irrefutably that there is no sustainable continued use is so high it would be impracticable to meet the standard of proof.

Decision Requested:

Amend Policy 20.2.1.2 so it is consistent with section 6(f) and section 85 RMA so it reads: "Protect historic buildings and objects from inappropriate subdivision, use and development and have regard to wider aspects of sustainable management, including the interests of owners and occupiers".

20.2.1.3

It is submitted that policy 20.2.1.3 promotes sustainable continued use while ensuring that effects on heritage values are avoided, remedied or mitigated but the policy fails to recognise the need to avoid restrictions which render land incapable of reasonable use and which may cause hardship to property owners and in this regard the policy is unjust and inconsistent with the RMA, and is also inconsistent with Section 6(f).

Decision Requested:

Amend the policy so that it recognises that conservation cannot be promoted at the expense of rendering land incapable of reasonable use so it duly recognises the rights of those with an interest in the listed heritage items. Amend policy 20.2.1.3 to read: "Promote the conservation and sustainable use of listed buildings in a way which protects them from inappropriate subdivision, use and development".

20.2.1.6

It is submitted that Policy 20.2.1.6 is inconsistent with section 6(f) RMA, fails to duly take into account sections 5 and 85 RMA and should expressly apply only to identified buildings and not to a heritage area.

Decision Requested:

Delete policy 20.2.1.6.

20.2.1.7

It is submitted that policy 20.2.1.7 relating to additions and alterations to heritage buildings sets a standard that is unrealistically high. It is also argued that heritage controls should not be imposed on non heritage buildings and that the policy should not render an interest in land incapable of reasonable use and should not create injustice.

Decision Requested:

Delete policy 20.2.1.7.

20.2.1.8

It is submitted that policy 20.2.1.8 may not maintain and enhance heritage values but result in the diminution of them or the loss of the heritage item.

Decision Requested:

Delete policy 20.2.1.8.

21A.1

The submission supports relevant activities such as repairs and maintenance and internal alterations and additions as a permitted or discretionary activity (restricted).

Decision Requested:

That rule 21A.1 permitted activities: repairs and maintenance should be retained and Rule 21A.1.2 internal additions and alterations etc also should be retained.

21A.2

The submission on Rule 21A.2 addresses most of the provisions and requests various amendments and deletions

Decision Requested:

- Amend 21A.2 so that all relevant work (including alterations and additions to, and demolition of a listed heritage item) which is not a permitted activity is a discretionary activity (restricted).
- Amend 21A.2.1 by deleting the exceptions in the three bullet points.
- Amend the matters in respect of which the Council has retained discretion by deleting 21A.2.1.2 height, 21A.2.1.3 coverage and 21A.2.1.4 bulk and massing of buildings.
- Amend 21A.2.1, assessment criteria, so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers.
- Delete 21A.2.2.
- Delete 21A.2.2.2.
- Delete 21A.2.2.3.
- Delete 21A.2.2.4.
- 21A.2.2 assessment criteria, amend 21A.2.2.5-7 so they are more balanced and to have due regard to matters other than heritage, including other aspects of Part II RMA section 85, and the interests of owners and occupiers.

21A.3

The submission opposes the Discretionary Activity (Unrestricted) provisions and seeks that all relevant activities should be either permitted or discretionary activities (restricted). It is also stated that when considering a proposal in respect of a heritage item the effect of the proposal on heritage only should be relevant. By putting proposals in respect of heritage items in the discretionary activity (unrestricted) category matters irrelevant to heritage effects may be taken into account when they should not be.

Decision Requested:

Delete Rule 21A.3.

21A.3.1

The assessment criteria for Rule 21A.3 are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

Decision Requested:

If 21A.3 is not deleted as requested amend 21A.3.1.1-9 so the assessment criteria are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, as follows: 21A.3.1.1 Whether the proposal protects historic heritage from inappropriate, subdivision, use and development; 21A.3.1.2 The interests of owners, occupiers and anyone else with an interest in the building; 21A.3.1.1 Whether restrictions for heritage purposes will be contrary to section 85 RMA; 21A.3.1.4 Whether the proposal promotes sustainable management.

21A.3.2

The submission opposes Rule 21A.3.2 on the grounds that there is inadequate justification for such a rule; the rule is too blunt an instrument; the existing provisions in the District Plan for subdivisions are adequate in all respects; and inappropriate especially for large sites.

Decision Requested:

Delete Rule 21A.3.2.

21B.2

The submission states that for discretionary activities (restricted) the only matters in respect of which the Council should reserve a discretion should be effects on historic heritage, and the assessment criteria in 21B.2.1.5-11 are unbalanced and fail to have due regard to matters other than heritage, including other aspects Part II RMA, section 85, and the interests of owners and occupiers of properties.

Decision Requested:

Amend 21B.2 so any new building and all work on an existing building (including modifications, additions, relocation and demolition) is a discretionary activity restricted. 21B.2.1 amend the matters in respect of which the Council retains discretion by deleting 21B.2.1.2 design, 21B.2.1.3 height, siting and coverage and also 21B.2.1.4 bulk and massing of buildings. 21B.2.1, assessment criteria, 21B.2.1.5-11 amend the criteria so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

21B.3

The submission states that Rule 21B.3 discretionary activities (unrestricted) should be deleted because the Council should have discretion in respect of effects on historic heritage only. It is also commented that the assessment criteria are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, and that the provisions are contrary to: a) the RMA; b) property legal principles; c) good resource management, theory and practice.

Decision Requested:

Delete 21B.3 discretionary activities (unrestricted). 21B.3 discretionary activities (unrestricted) (if it is not deleted pursuant to the primary request above) then amend the assessment criteria in 21B.3.1.1-8 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, and section 85 and the interests of owners and occupiers. Delete 21B.3.2 which includes as a discretionary activity (unrestricted) earthworks which are not a permitted activity and make all earthworks which are not a permitted activity a discretionary activity restricted. Amend the assessment criteria for 21B.3.2 (if contrary to the primary submission it is retained) so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers. Delete 21B.3.3 which includes as a discretionary activity (unrestricted) any subdivision of a site within a heritage area and include or make such subdivisions discretionary activities restricted. 21B.3.3 amend the assessment criteria for subdivisions in a heritage area by substituting for 21B.3.3.1: "The effect of the proposal on heritage". Amend the assessment criteria for 21B.3.3 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85.

49	McAuley Trust INC	C/o Mr Tom Peters 152 Lambton Quay PO Box 5176 Wellington	Yes
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General

McAuley Trust INC opposes all of DPC43 for failing to comply with Section 5 of the RMA, placing undue weight on Section 6(f), deficiencies in the Section 32 report and inconsistencies with section 85 of the RMA because the charge would render interests in land incapable of reasonable use.

Decision Requested:

Reject all of DPC43.

3.2.2.14

Information to be submitted with an Application for Resource Consent. The submitter opposes most of the information requirements on the grounds that they are unnecessary, impractical or create compliance difficulties.

Decision Requested:

Reject 3.2.2.14

20.1

The words "The identification, protection and use of these places are fundamental to the sustainable management of Wellington's natural and physical resources" in paragraph 1, 20.1 Introduction are an overstatement and are inconsistent with the purpose of sustainable management and it does not accord with section 6(f) of the RMA.

Decision Requested:

Amend the provision so it is consistent with the RMA, including Part II and section 85, replace the word "protection" with the words in section 6(f) of the RMA and add that heritage provisions must not render an interest in land incapable of reasonable use so that 20.1 is consistent with section 85.

20.1.1

The words "the Council strongly supports the protection of the City's built heritage and in June 2005 adopted a Built Heritage Policy" is inconsistent with the RMA.

Decision Requested:

Delete the above words from 20.1.1 and related provisions.

20.1.1

The paragraph in 20.1.1 relating to surroundings is excessive and the District Plan should identify explicitly in the heritage provisions any building which is affected by the heritage provision.

Decision Requested:

Delete the paragraph in 20.1.1 relating to surroundings.

20.2.1

Objective 30.2.1 to recognise and protect the city's historic heritage is inconsistent with the Ram and fails to recognise the interests of owners and occupiers.

Decision Requested:

Amend objective 20.2.1 to read: "to recognise and protect the City's historic heritage from inappropriate subdivision, use and development".

20.2.1.2

Policy 20.2.1.2 relating to the protection of listed buildings or objects from demolition or relocation is inconsistent with section 6(f) in that protection should be from only inappropriate subdivision use, and developments. It is also commented that the criteria to be fulfilled before demolition or relocation will be allowed are far too high and they are inconsistent with the RMA. The requirement that it be demonstrated irrefutably that there is no sustainable continued use is so high it would be impracticable to meet the standard of proof.

Decision Requested:

Amend Policy 20.2.1.2 so it is consistent with section 6(f) and section 85 RMA so it reads: "Protect historic buildings and objects from inappropriate subdivision, use and development and have regard to wider aspects of sustainable management, including the interests of owners and occupiers".

20.2.1.3

It is submitted that policy 20.2.1.3 promotes sustainable continued use while ensuring that effects on heritage values are avoided, remedied or mitigated but the policy fails to recognise the need to avoid restrictions which render land incapable of reasonable use and which may cause hardship to property owners and in this regard the policy is unjust and inconsistent with the RMA, and is also inconsistent with Section 6(f).

Decision Requested:

Amend the policy so that it recognises that conservation cannot be promoted at the expense of rendering land incapable of reasonable use so it duly recognises the rights of those with an interest in the listed heritage items. Amend policy 20.2.1.3 to read: "Promote the conservation and sustainable use of listed buildings in a way which protects them from inappropriate subdivision, use and development".

20.2.1.6

It is submitted that Policy 20.2.1.6 is inconsistent with section 6(f) RMA, fails to duly take into account sections 5 and 85 RMA and should expressly apply only to identified buildings and not to a heritage area.

Decision Requested:

Delete policy 20.2.1.6.

20.2.1.7

It is submitted that policy 20.2.1.7 relating to additions and alterations to heritage buildings sets a standard that is unrealistically high. It is also argued that heritage controls should not be imposed on non heritage buildings and that the policy should not render an interest in land incapable of reasonable use and should not create injustice.

Decision Requested:

Delete policy 20.2.1.7.

20.2.1.8

It is submitted that policy 20.2.1.8 may not maintain and enhance heritage values but result in the diminution of them or the loss of the heritage item.

Decision Requested:

Delete policy 20.2.1.8.

21A.1

The submission supports relevant activities such as repairs and maintenance and internal alterations and additions as a permitted or discretionary activity (restricted).

Decision Requested:

That rule 21A.1 permitted activities: repairs and maintenance should be retained and Rule 21A.1.2 internal additions and alterations etc also should be retained.

21A.2

The submission on Rule 21A.2 addresses most of the provisions and requests various amendments and deletions

Decision Requested:

- Amend 21A.2 so that all relevant work (including alterations and additions to, and demolition of a listed heritage item) which is not a permitted activity is a discretionary activity (restricted).
- Amend 21A.2.1 by deleting the exceptions in the three bullet points.
- Amend the matters in respect of which the Council has retained discretion by deleting 21A.2.1.2 height, 21A.2.1.3 coverage and 21A.2.1.4 bulk and massing of buildings.
- Amend 21A.2.1, assessment criteria, so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers.
- Delete 21A.2.2.
- Delete 21A.2.2.2.
- Delete 21A.2.2.3.
- Delete 21A.2.2.4.
- 21A.2.2 assessment criteria, amend 21A.2.2.5-7 so they are more balanced and to have due regard to matters other than heritage, including other aspects of Part II RMA section 85, and the interests of owners and occupiers.

21A.3

The submission opposes the Discretionary Activity (Unrestricted) provisions and seeks that all relevant activities should be either permitted or discretionary activities (restricted). It is also stated that when considering a proposal in respect of a heritage item the effect of the proposal on heritage only should be relevant. By putting proposals in respect of heritage items in the discretionary activity (unrestricted) category matters irrelevant to heritage effects may be taken into account when they should not be.

Decision Requested:

Delete Rule 21A.3.

21A.3.1

The assessment criteria for Rule 21A.3 are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

Decision Requested:

If 21A.3 is not deleted as requested amend 21A.3.1.1-9 so the assessment criteria are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, as follows: 21A.3.1.1 Whether the proposal protects historic heritage from inappropriate, subdivision, use and development; 21A.3.1.2 The interests of owners, occupiers and anyone else with an interest in the building; 21A.3.1.1 Whether restrictions for heritage purposes will be contrary to section 85 RMA; 21A.3.1.4 Whether the proposal promotes sustainable management.

21A.3.2

The submission opposes Rule 21A.3.2 on the grounds that there is inadequate justification for such a rule; the rule is too blunt an instrument; the existing provisions in the District Plan for subdivisions are adequate in all respects; and inappropriate especially for large sites.

Decision Requested:

Delete Rule 21A.3.2.

21B.2

The submission states that for discretionary activities (restricted) the only matters in respect of which the Council should reserve a discretion should be effects on historic heritage, and the assessment criteria in 21B.2.1.5-11 are unbalanced and fail to have due regard to matters other than heritage, including other aspects Part II RMA, section 85, and the interests of owners and occupiers of properties.

Decision Requested:

Amend 21B.2 so any new building and all work on an existing building (including modifications, additions, relocation and demolition) is a discretionary activity restricted. 21B.2.1 amend the matters in respect of which the Council retains discretion by deleting 21B.2.1.2 design, 21B.2.1.3 height, siting and coverage and also 21B.2.1.4 bulk and massing of buildings. 21B.2.1, assessment criteria, 21B.2.1.5-11 amend the criteria so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

21B.3

The submission states that Rule 21B.3 discretionary activities (unrestricted) should be deleted because the Council should have a discretion in respect of effects on historic heritage only. It is also commented that the assessment criteria are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, and that the provisions are contrary to: a) the RMA; b) property legal principles; c) good resource management, theory and practice.

Decision Requested:

Delete 21B.3 discretionary activities (unrestricted). 21B.3 discretionary activities (unrestricted) (if it is not deleted pursuant to the primary request above) then amend the assessment criteria in 21B.3.1.1-8 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, and section 85 and the interests of owners and occupiers. Delete 21B.3.2 which includes as a discretionary activity (unrestricted) earthworks which are not a permitted activity and make all earthworks which are not a permitted activity a discretionary activity restricted. Amend the assessment criteria for 21B.3.2 (if contrary to the primary submission it is retained) so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers. Delete 21B.3.3 which includes as a discretionary activity (unrestricted) any subdivision of a site within a heritage area and include or make such subdivisions discretionary activities restricted. 21B.3.3 amend the assessment criteria for subdivisions in a heritage area by substituting for 21B.3.3.1: "The effect of the proposal on heritage". Amend the assessment criteria for 21B.3.3 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85.

50	Yvonne Legarth	PO Box 11-060 Wellington	Yes
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General

The proposed plan change fails to provide for the recognition and protection of historic heritage from inappropriate subdivision, use or development, as required by the Resource Management Act 1991. The proposed plan provisions fail to provide adequate controls over partial demolition of historical heritage, such as windows, doors and verandas and alterations and additions that alter the scale/proportions and height.

Decision Requested:

That the proposed plan change is withdrawn and replaced by a plan change that addresses the protection of historic heritage from inappropriate subdivision, use and development.

General

The proposed plan change fails to provide for the recognition and protection of historic heritage from inappropriate subdivision, use or development. The provisions in the proposed plan fail to protect whole heritage buildings, places and items.

Decision Requested:

That throughout the plan its provisions are formulated to clearly meet the following criteria:

- That the plan provides for the protection of historic heritage from inappropriate subdivision, use or development;
- That the plan provides for controls over cumulative effects of use and development;
- That the plan provisions establish controls over activities that have the potential to modify, remove or diminish heritage significance of heritage items within the district; and
- that the plan provisions ensure the heritage integrity of scheduled heritage items are not diminished or undermined; and
- That the plan takes a precautionary approach and requires an assessment before heritage interiors are modified or demolished.

General

The rules in the plan fail to implement the objectives and policies in the proposed plan as they fail to provide for the recognition and protection of historic heritage, or to promote the conservation and sustainable use of heritage in the schedule of the district

plan.

Decision Requested:

Rule should be included in the plan that provides for the protection of heritage building as a whole, including the interiors of those buildings that have retained their heritage values.

General

Rules should be included that provide adequate control of cumulative effects of alteration to listed heritage items, that can result in a proposal meeting the assessment criteria for demolition.

Decision Requested:

That the rules in the plan control physical intervention and policies and other provisions specify the degree and nature of intervention acceptable for non conservation purposes.

General

The plan change fails to reflect all heritage inventories, nor does it encourage updating these inventories adequately and regularly.

Decision Requested:

The proposed plan change should include a method to review the heritage schedule and include those items in the heritage inventories that are not currently on the schedule, and to remove those items in the heritage schedule that have been altered to the point where they no longer retain their heritage significance. Also the proposed plan change should include a method to develop urban design provisions that include objectives, policies and a schedule for those items in the heritage inventories that have since been altered to be only of urban design interest.

General

The proposed rules in the plan change are inadequate, as are the rules in the operative district plan.

Decision Requested:

New rules that ensure there is adequate discretion to decline an activity where the extent of physical intervention will diminish the significance of the heritage place, including its interior.

General

Anticipated environmental Results (AER) provide significant value in a planning context and should be retained.

Decision Requested:

That the AERs in the operative Wellington City District plan be retained and reinstated at the end of each section.

General

It is not sufficient to 'advise' NZHPT and heritage protection authorities of applications made as discretionary activities. The legislation requires that notice be served and the plan should reflect this.

Decision Requested:

That the description of the notification provisions is made consistent with the legislation, and the plan is clear that the NZHPT and heritage protection authorities will be notified (notice will be served) where applications for resource consents for discretionary activities that have effects on heritage items are made.

3.10

Definitions in 3.10 of 'Addition and alteration' and 'repair and maintenance' are inadequate and should be amended.

Decision Requested:

The plan should include definitions for conservation, maintenance, minor, preservation, restoration, reconstruction and repair.

20.2

Include a new Objective.

Decision Requested:

Include new objective to the effect that places and items of heritage significance are safeguarded and not put at risk of left in a vulnerable state.

20.2

Include a new Policy.

Decision Requested:

Include a new policy that ensures the protection of the district's heritage resources, including historic places, areas, sites and structures from any adverse effects of use and development.

20.2

Include a new Policy.

Decision Requested:

That the council will take a precautionary approach when making decisions about the use, development and protection of heritage resources where effects are uncertain or where potential risks to the environment are considered to be unacceptable.

20.1.5

20.1.5 on heritage orders fails to state what the effect of a heritage order is and should be amended.

Decision Requested:

That section 20.1.5 of the plan includes the following (or words of similar effect): Where a heritage order is included in a district plan then, regardless of the provisions of any plan or resource consent, no person may, without the prior written consent of the relevant heritage protection authority named in the plan in respect of the order, do anything including -- (a) Undertaking any use of land described in RMA section 9(4); and (b) Subdividing any land; and (c) Changing the character, intensity or scale of the use of the land that would wholly or partly nullify the effect of the heritage order. The written approval of the heritage protection authority under RMA s.291 is to be obtained prior to any application for a resource consent application being made, and a copy is to be provided to council with any application for a resource consent.

20.1.6

The proposed amendment could be read to be saying the purpose of a conservation plan is to provide for, or mitigate the effects of, development. The paragraph on conservation plan should make this clear.

Decision Requested:

Following on at the end of the first paragraph '... development proposal on a listed heritage item'. Include a sentence that clarifies that the purpose of a conservation plan is to ensure that the significance of a heritage place is identified in detail, to ensure that when changes occur the heritage values are not removed or lost.

20.1.6

The Australia ICOMOS charter (The Burra Charter) sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance, including owners, managers and custodians.

Decision Requested:

That the Australia ICOMOS The Burra Charter (the Australia OCOMOS charter for places of cultural significance) be included in the plan by reference to provide adequate guidance on use and development proposals that involved the alteration, partial or total demolition of heritage items.

20.2.1.1

It is incorrect to state that listing of a heritage item is the primary means for protecting it.

Decision Requested:

In the first paragraph in italics following the list of methods, after "... objects and areas of heritage value in the District Plan" add the words: "together with appropriate objectives, policies, rules".

20.2.1.2

The term 'demonstrated irrefutably' lacks certainty and is likely to have little effect on assessment of effects or decisions on resource consents, and simply opens up a debate.

Decision Requested:

That the plan should provide more specific guidance for decision makers.

21A.2.1

<p>Additions and alterations.</p> <p>Decision Requested:</p> <p>Additions and alterations to the building, its architectural features and heritage features, and alterations including interiors, windows, doors, height and verandas, should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1</p> <p>Removal, demolition or partial demolition of historic heritage.</p> <p>Decision Requested:</p> <p>The removal, partial demolition or demolition of any item on the heritage schedules in the district plan should be a non-complying activity.</p>			
51	Save Erskine College Trust	C/-Maggie Kennedy 5 McKinley Crescent Brooklyn Wellington	Yes
<p>General</p> <p>The submitter states: The proposed plan change fails to provide for the recognition and protection of historic heritage from inappropriate subdivision, use or development, as required by the Resource Management Act 1991.</p> <p>Decision Requested:</p> <p>The submitter states: The proposed plan change fails to provide for the recognition and protection of historic heritage from inappropriate subdivision, use or development, as required by the Resource Management Act 1991.</p>			
<p>General</p> <p>The submission concerns the protection of interiors.</p> <p>Decision Requested:</p> <p>Include new rules in the plan that provide for the protection of heritage building as a whole, including the interiors of those buildings that have retained their heritage values.</p>			
<p>General</p> <p>Anticipated environmental Results (AER) provide significant value in a planning context and should be retained.</p> <p>Decision Requested:</p> <p>That the AERs in the operative Wellington City District Plan be retained and reinstated at the end of each section.</p>			
<p>General</p> <p>It is not sufficient to 'advise' NZHPT and heritage protection authorities of applications made as discretionary activities.</p> <p>Decision Requested:</p> <p>That the description of the notification provisions is made consistent with the legislation, and the plan is clear that the NZHPT and heritage protection authorities will be notified (notice will be served) where applications for resource consents for discretionary activities that have effects on heritage items are made.</p>			
<p>20.1.5</p> <p>On heritage orders fails to state what the effect of a heritage order is. The plan should include a statement to ensure those processing resource consents, and those who own places that are the subject of a heritage order are aware of their statutory obligations.</p> <p>Decision Requested:</p> <p>That section 20.1.5 of the plan includes the following (or words of similar effect): Where a heritage order is included in a district plan then, regardless of the provisions of any plan or resource consent, no person may, without the prior written consent of the relevant heritage protection authority named in the plan in respect of the order, do anything including –</p> <ul style="list-style-type: none"> • Undertaking any use of land described in RMA section 9(4); and • Subdividing any land; and 			

- Changing the character, intensity or scale of the use of the land that would wholly or partly nullify the effect of the heritage order. The written approval of the heritage protection authority under RMA s.291 is to be obtained prior to any application for a resource consent application being made, and a copy is to be provided to council with any application for a resource consent.

20.1.6

The role of conservation plans in 20.1.6 is not clear and needs to be clarified.

Decision Requested:

Clarify the role of conservation plans.

20.2.1.1

Clarify in 20.2.1.1 that objectives, policies, rules and heritage orders can also provide means of protection.

Decision Requested:

In the first paragraph in italics following the list of methods, after "... objects and areas of heritage value in the District Plan" add the words: "together with appropriate objectives, policies, rules and heritage orders where necessary".

21A.2.2

The submission concerns the removal, demolition or partial demolition of historic heritage.

Decision Requested:

The removal, partial demolition or demolition of any item on the heritage schedules in the district plan, or that is subject to a heritage order should be a non-complying activity.

52	New Zealand Anglican Church Pension Board and the Anglican Missions Board	C/- Mrs Gillian BH Robertson 32 Mulgrave Street PO Box 12 287 Wellington	No
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Where Council documents refer to Maori precincts which include the Pipitea Precinct, the Tenth Trust should be the only group consulted as the Tangata Whenua of the Pipitea Precinct and no "other Maori".

Decision Requested:

Regarding the Pipitea Precinct, references to "other Maori" should be removed as this is the Tenth Trust Pa site. The only group who should be involved in consultation are the Tenth Trust.

53	Mt. Victoria Residents Association Inc	PO Box 19056 Wellington Attn: Rosamund Averton	Yes
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General

The submitter generally supports the plan change but does raise concern with the following.

Decision Requested:

The plan change uses many double negatives and needs to be simplified.

General

Further reference and cross referencing should be made to the BHP.

Decision Requested:

That there should be a table of clear, unambiguous, plain language definitions of the terms used throughout the Plan Change.

General

Painting of Heritage buildings.

Decision Requested:

There needs to be a dedicated heritage rule that ensures owners of properties paint their properties appropriately.

General

The Association is concerned that there is little reference within the PPC to excavating, managing, collecting and storing of objects, structures and buildings on archaeological sites.

Decision Requested:

There should be a specific rule addressing archaeological sites and their values, particularly excavating, managing, collecting and sorting.

General

There should be a rule that allows for a rolling 50 years time period to ensure that Wellington builds its heritage stock.

Decision Requested:

Buildings should be assessed for their heritage value once they reach 50 years.

20.2.1.9

The submission concerns policy 20.2.1.9.

Decision Requested:

20.2.1.9 (methods) should make reference to additions being congruent with the whole building, structure or object.

20.2.2.1

The submission concerns policy 20.2.2.1.

Decision Requested:

20.2.2.1 which makes reference to "Maori" sites could as easily be made applicable to all of Wellington's "natural and cultural landscape".

21A.2

Affected and interested persons should be consulted and that their view should be considered before any consent is granted.

Decision Requested:

Applications under this rule should be notified.

21A.2.2

The submission concerns rule 21A.2.2.

Decision Requested:

21A.2.2 should contain a reference to the topography of a site and its impact on views not just viewshafts to and from a given site.

21A.3.1

The control of demolition is not adequate.

Decision Requested:

"Demolition" in 21A.3 should be a non-complying activity as it is in the DR. Built Heritage Policy (BHP).

21B.1.3.1

Rule 21B.1.3.1 requires clarification.

Decision Requested:

No specific decision requested.

21D.1.1

The Association is pleased with the updating of the definitions in 21D.1.1.

Decision Requested:

Signage for "Heritage Trails" needs to be addressed to ensure that all signage is visible and appropriate.

54	Barbara Fill	2 High Street Island Bay Wellington	Yes
<p>General</p> <p>The submitter states that: The proposed plan change fails to provide for the recognition and protection of historic heritage from inappropriate subdivision, use or development, as required by the Resource Management Act 1991; fails to take into account the full intent of the Wellington City Council Built Heritage Policy June 2005. 20.1.4.1 fails to take into account national and international guidelines for the identification, protection and sustainable use of historic heritage including such charters as the ICOMOS New Zealand Charter, The BURRA Charter (Australia) and the Xian Declaration on Historic Settings.</p> <p>Decision Requested:</p> <p>That the proposed plan change be withdrawn and replaced by a plan change that addresses the protection of historic heritage from inappropriate subdivision, use and development.</p>			
<p>General</p> <p>The provisions in the proposed plan fail to protect whole heritage buildings, places and items which are generally all listed in the plan in their entirety. The Plan Change also fails to control the impact of cumulative effects of use and development.</p> <p>Decision Requested:</p> <p>That throughout the plan its provisions are formulated to clearly meet the following criteria:</p> <ul style="list-style-type: none"> • That the plan provides for the protection of historic heritage from inappropriate subdivision, use or development; • Controls over cumulative effects of use and development; • That the plan provisions establish controls over activities that have the potential to modify, remove or diminish heritage significance of heritage items within the district; and • that the plan provisions ensure the heritage integrity of scheduled heritage items are not diminished or undermined; and • That the plan takes a precautionary approach and requires an assessment before heritage interiors are modified or demolished. 			
<p>General</p> <p>Anticipated environmental Results (AER) provide significant value in a planning context and should be retained.</p> <p>Decision Requested:</p> <p>That the AERs in the operative Wellington City District Plan be retained and reinstated at the end of each section.</p>			
<p>3.10</p> <p>The definitions generally fail to provide clear descriptions and some are even omitted.</p> <p>Decision Requested:</p> <p>That the definitions be reviewed to provide clear and accurate definitions of the key elements covered in Chapters 20 and 21 including, repairs and maintenance, heritage areas etc.</p>			
<p>20.1.5</p> <p>The proposed plan change on heritage orders fails to state what the effect of a heritage order is.</p> <p>Decision Requested:</p> <p>Amend 20.1.5 of the plan to include the following (or words to similar effect): Where a heritage order is included in a district plan then, regardless of the provisions of any plan or resource consent, no person may, without the prior written consent of the relevant heritage protection authority named in the plan in respect of the order, do anything including –</p> <ol style="list-style-type: none"> a. Undertaking any use of land described in RMA section 9(4); and b. Subdividing any land; and c. Changing the character, intensity, or scale of the use of any land; that would wholly or partly nullify the effect of the heritage order. The written approval of the heritage protection authority under RMA s.291 is to be obtained prior to any application for a resource consent application being made, and a copy is to be provided to council with any application for a resource consent. 			
<p>20.1.6</p>			

<p>The role of conservation plans is not clear and needs to be clarified.</p> <p>Decision Requested:</p> <p>That the purpose of a conservation plan is clearly set out so that the significance of a heritage place is identified in detail thereby ensuring that when changes are proposed to a heritage place the heritage values are not removed or lost.</p>			
<p>21A</p> <p>The Plan Change fails to adequately protect the whole of and interiors of listed buildings.</p> <p>Decision Requested:</p> <p>Include rules in the plan that provide for the protection of heritage buildings as a whole, including the interiors of those buildings that have retained their heritage values.</p>			
<p>21A.3.1</p> <p>The proposed plan change fails to control the removal, alteration or demolition of architectural features.</p> <p>Decision Requested:</p> <p>The removal, alteration or demolition of architectural features should be a discretionary activity (unrestricted).</p>			
55	AMP NZ Property Commercial Ltd	PO Box 5346 Auckland Attn: Brett Buchanan	Yes
<p>DPC43 propose an excessive level of resource management that will not promote the purpose and principles of the RMA and specifically the heritage provisions should not apply to the demolition of non-heritage buildings within heritage areas.</p> <p>Decision Requested:</p> <p>The submission seeks that DPC 43 be rejected and in particular that the demolition of non-heritage buildings within heritage areas is a permitted activity.</p>			
56	New Zealand Institute of Surveyors Inc	C/- David Gibson 101 Yule Street Lyall Bay Wellington	Yes
<p>General</p> <p>The submitter notes that this plan change is a complete rewrite of the Heritage rules much like that undertaken for the Central Area rules. Yet when one compares the format of the rules between the two proposed new sections of the District Plan, they are rather different in their approach and format particularly with regard to the application of assessment criteria.</p> <p>Decision Requested:</p> <p>We submit that Council in it's 'rolling review process' needs to make it's intentions known and be clear as to how the District Plan is to be structured in the future, particularly with regard to Council's approach to the use of "assessment criteria".</p>			
<p>21B.3.3</p> <p>It is submitted that an exception is required to make it clear that the subdivision rules under 21B prevail over the existing area based rules.</p> <p>Decision Requested:</p> <p>The following additional bullet point exception needs to be inserted after the third bullet point: - "The subdivision rules in Chapter 21B apply for any subdivision of a site in a listed Heritage Area".</p>			
57	Onslow Historical Society Inc	C/- Murray Pillar 291C Tinakori Road Thorndon	No

		Wellington	
<p>General</p> <p>The policies and rules are lengthy and unnecessarily complex making the implementation by the public difficult and costly.</p> <p>Decision Requested:</p> <p>Redrafting of policies and rules so they are simpler and clearer followed by implementation of Plan Change 43.</p>			
<p>21A.2.1</p> <p>The Society submits that alterations to listed buildings be made a discretionary activity (unrestricted).</p> <p>Decision Requested:</p> <p>That alterations to listed buildings be made a discretionary activity (unrestricted) so consent can be refused.</p>			
58	Gwendoline Callaghan	65 Fox Street Fetherston	No
<p>20.2</p> <p>The submitter states that the proposed policies are lengthy and confusing.</p> <p>Decision Requested:</p> <p>Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All demolition and relocation should be a non-complying activity.</p>			
59	Richard Fendlay	PO Box 2747 Wellington	No
<p>20.2</p> <p>The submitter states that the proposed policies are lengthy and confusing.</p> <p>Decision Requested:</p> <p>Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All demolition and relocation should be a non-complying activity.</p>			

60	Michael Horsby	416 Makara Road Makara Wellington	No
<p>20.2</p> <p>The submitter states that the proposed policies are lengthy and confusing.</p> <p>Decision Requested:</p> <p>Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All demolition and relocation should be a non-complying activity.</p>			
61	Christopher John Gollins	113A Motohara Road Plimmerton	No
<p>20.2</p> <p>The submitter states that the proposed policies are lengthy and confusing.</p> <p>Decision Requested:</p> <p>Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p> <p>All demolition and relocation should be a non-complying activity.</p>			
62	Peter Wilkin	7A/42 Molesworth Street Thorndon Wellington	No
<p>20.2</p> <p>The submitter states that the proposed policies are lengthy and confusing.</p> <p>Decision Requested:</p> <p>Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1</p> <p>The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p> <p>Decision Requested:</p>			

All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
63	Gary Brown	22B Chatsworth Road Silverstream	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
64	Linda Brown	22B Chatsworth Road Silverstream	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
65	Pauline Brown	22B Chatsworth Road Silverstream	No
20.2 The submitter states that the proposed policies are lengthy and confusing.			

Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
66	John Nicholas Wyatt	194A Barnam Street Wadestown Wellington	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
67	David Anthony Chan	Level 2 56 Victoria Street Wellington	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.			

Decision Requested: All demolition and relocation should be a non-complying activity.			
68	Peter Dowell	38 Rose Street Wadestown Wellington	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
69	Heritage Property Management Ltd	Level 1 150 Featherston Street Wellington	No
20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.			
21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).			
21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.			
70	Richard Waugh	38 Apu Crescent Lyll Bay Wellington	No
20.2 The submitter states that the proposed policies are lengthy and confusing.			

<p>Decision Requested: Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.</p>			
71	Dawn McDermott	16A Moturoa Street Thorndon Wellington	No
<p>20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.</p>			
72	Michael McDermott	16A Moturoa Street Thorndon Wellington	No
<p>20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.</p>			

<p>Decision Requested: All demolition and relocation should be a non-complying activity.</p>			
73	Barry Lyver	Level 2 56 Victoria Street Wellington	No
<p>20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.</p>			
74	Alan Rigby	354B Ruahine Street Palmerston North	No
<p>20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.</p>			
<p>21A.2.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All additions and alterations should be a discretionary activity (unrestricted).</p>			
<p>21A.3.1 The plan change does not reflect the level of commitment in the Council's Built Heritage Policy. Decision Requested: All demolition and relocation should be a non-complying activity.</p>			
75	Deborah Stewart	3 Kio Crescent Hataitai Wellington	No
<p>20.2 The submitter states that the proposed policies are lengthy and confusing. Decision Requested: Amend the policies so they are concise and straight forward.</p>			

21A.2.1

The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.

Decision Requested:

All additions and alterations should be a discretionary activity (unrestricted).

21A.3.1

The plan change does not reflect the level of commitment in the Council's Built Heritage Policy.

Decision Requested:

All demolition and relocation should be a non-complying activity.

76	New Zealand Historic Places Trust	C/- Ann Neill Central Regional Office PO Box 19173 Wellington	Yes
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General

The New Zealand Historical Places Trust (NZHPT) is concerned that the proposed plan change does not fully reflect Council's commitment to built heritage. The NZHPT would like to see robust heritage provisions that result in historic heritage being effectively recognised and provided for to reflect its status as a matter of national importance. We do not believe the proposed provisions are sufficient.

Decision Requested:

Improve the plan change by approving amendments proposed by the NZHPT.

General

The NZHPT is pleased that Wellington City Council has notified a plan change to modify the heritage chapter of the District Plan but policies proposed are too numerous and too complex.

Decision Requested:

That the policies be simplified and strengthened to emphasise the protection of historic heritage.

General

The introduction to Chapter 21B relating to heritage areas is confusing. The NZHPT would expect that any changes proposed to a listed building or object located within a heritage area would be considered and assessed by the effects to both the building or object itself and the heritage area.

Decision Requested:

Where there is a conflict between rules, the rules relating to buildings or objects should take precedence, but the effects on the heritage area should always be taken into consideration.

General

Heritage areas include heritage buildings and objects that are not individually listed. There are also buildings and objects that do not have any heritage value. From the introduction and subsequent rules it appears that all of these items are treated the same.

Decision Requested:

It would be helpful to have an explanation about heritage areas.

General

The NZHPT is unclear as to why the sign rules do not apply to all heritage areas and not just heritage areas in the Central Area or Suburban Centre.

Decision Requested:

That the bullet point in the introduction to the rules be amended by deleting all the words after heritage areas, so that it reads, "signs located within heritage areas".

General

A key issue regarding signage is the effects of the signage on the fabric of the building.

Decision Requested:

It is requested that an explanation be included (location not specified) as follows: Attaching signs to a heritage building or object can have ongoing negative effects on the heritage fabric therefore the means of fixing a sign to a building or object need to be carefully considered.

3.2.2.14

The NZHPT supports the addition of Section 3.2.2.14 regarding information to be included with applications for resource consent but requests that further information be required.

Decision Requested:

That additional bullet points be added as follows: - plans and elevations of the context of the site that show the buildings immediately adjacent to the item that is the subject of the resource consent. - that where a heritage item is subject to a heritage order the applicant should provide evidence of the written consent of the heritage protection authority if the work contravenes the heritage order.

3.10

It is noted that while the plan change includes a definition for listed Heritage Buildings and for Identified Non-Heritage Buildings, there is no corresponding definition provided for heritage areas.

Decision Requested:

That a definition for heritage areas be included as follows: HERITAGE AREA means a defined area that is characterised by a significant concentration and continuity of sites, buildings, structures, objects and/or landscape characteristics that are united in their reflection of historic, cultural, social, industrial, spiritual, architectural, archaeological, political or other values that should be protected from inappropriate subdivision, use and development. Heritage areas may include individually listed heritage buildings and objects as well as buildings and objects which have heritage values and enhance the heritage values of the area but have not been individually listed.

3.10

The definition of Repairs and Maintenance is overly complex and does not make sense.

Decision Requested:

that the definition for Repairs and Maintenance be amended as follows:

REPAIRS AND MAINTENANCE (FOR THE PURPOSES OF CHAPTERS 20 AND 21 includes:

- (i) any repair of a structural element that substantially preserves or recreates either the original structural appearance or the structural appearance on 27 July 1994; and/or
- (ii) any repair (including the replacement of a any element reasonably required to maintain the building in a sound or weather proof condition or to prevent deterioration of the building fabric) using the same materials or materials of similar texture, form profile and strength.

3.10

The submitter notes that while there is an explanation of surroundings in the introduction, it may be helpful to have a definition included in the definitions section of the Plan.

Decision Requested:

That a definition for surroundings be included in the definition section of the plan as follows:

SURROUNDINGS means an area of land (including land covered by water) surrounding a site, structure or area of heritage significance that is essential for retaining and interpreting its heritage significance.

20.1.1

NZHPT is concerned about the narrow view of heritage in limiting evidence solely to places settled by Europeans since the late 1800's.

Decision Requested:

That the first sentence in 20.1.1 be amended to read "the evidence of Wellington's heritage is seen as buildings, structures, objects, archaeological sites and areas".

20.1.1

The paragraph in 20.1.1 under Buildings, Objects, Areas should be amended to better reflect the qualities identified in Section 6(f) of the Resource Management Act as well as those other values generally used to identify places of heritage value.

Decision Requested:

That the paragraph be amended as follows: "the criteria for identifying buildings, objects and areas in the District Plan may include places with archaeological, architectural, cultural, historic, scientific and/or technological qualities and whether the place is rare or unique, representatives of a particular style or era, authentic and/or contributes to a group of places".

20.1.1

The explanation of archaeological sites in the introduction should be expanded.

Decision Requested:

That the explanation of archaeological sites reflect the following definition in the Historic Places Act 1993: any place in New Zealand that—

- either—
 - was associated with human activity that occurred before 1900; or
 - is the site of the wreck of any vessel where that wreck occurred before 1900; and
- is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand.

20.1.4.1

Under 20.1.4.1 there are insufficient references to other significant documents.

Decision Requested:

Include references to the Burra Charter, the United States Secretary of the Interior's Standards and the Regional Policy statement and Regional Plan. Reference to national policy statements should be removed as there is no national policy statement for historic heritage in New Zealand.

20.1.4.2

This section is confusing, as it doesn't specify what Council will inform the NZHPT about.

Decision Requested:

Include this section in the rules under 21A and 21B to make it clear to applicants for resource consent that NZHPT will be consulted.

20.1.5

Amend misspelling of Courtenay Place in 20.1.5.

Decision Requested:

Amend to read "Courtenay Place".

20.1.6

It is submitted that the provision on Conservation Plans include an explanation of what is involved.

Decision Requested:

Include the following requirements for conservation plans:

- A statement of the significance on the heritage item;
- The physical condition and structural integrity of an item;
- The physical conservation, action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration;
- Activities which may be compatible with the protection of the heritage item, and those which may be constrained by them;
- Policies to enable the cultural significance of a place to be retained in its future used and development.

In addition, the Council should consider a fees waiver programme for non-notified consents or an accelerated approval process for projects consistent with a satisfactory Conservation Plan.

20.2.1

Objective 20.2.1 wording should be more closely aligned with the built heritage policy.

Decision Requested:

That the following goals from the Built Heritage Policy form the objectives of the District Plan heritage provisions: Wellington's built heritage is recognised as contributing to our understanding of our cultural diversity and awareness of sense of place. Wellington's unique character is enhanced by the protection, conservation and use of its built heritage. Wellington's built heritage is acknowledged as contributing to a vibrant economy.

20.2.1.1

Policy 20.2.1.1 is generally supported but various amendments are requested.

Decision Requested:

That "rules" be removed as a method for achieving this policy as rules generally do not identify, record or list significant historic heritage. That the inventory be included with the District Plan Heritage List to be maintained and updated. That the explanatory statement be amended to read:

The listing of buildings, objects and areas of heritage value in the District Plan provides the primary means of identifying places of heritage value. Council is undertaking work on identifying significant archaeological sites. Council maintains the Built Heritage Inventory, which provides information on the heritage significance of buildings, objects and areas that are listed in the District Plan. The Built Heritage Policy 2005 includes a range of incentives to property owners to encourage listing in the District Plan.

20.2.1.2

The Council should be clear about its expectations for heritage. The rules should express this by making demolition or relocation a non-complying activity.

Decision Requested:

That the explanation to policy 20.2.1.2 be amended to read: Demolition is not an appropriate activity for heritage items except in extreme circumstances, such as where a fire or natural disaster has effectively already destroyed a building. Relocation should be considered only where the building is under threat and it is being moved to an appropriate location. Therefore, the demolition or relocation of a listed item is a non-complying activity.

20.2.1.3

The NZHPT supports the general spirit of 20.2.1.3, but again feels the intent is muddled with too many words.

Decision Requested:

That the policy should be amended to read: 20.2.1.3 Promote the conservation and sustainable use of listed heritage items while ensuring that their heritage values are not lost. It is also requested that financial incentives and advice be included as methods and the explanatory text be amended as follows: The Council recognises that the use of a heritage building is essential to its survival, but it should not be at the loss of important heritage fabric and the heritage values of a place. To ensure the ongoing use of listed items, some additions and alterations may be required. Any addition or alteration to a listed heritage item requires resource consent as a discretionary (Unrestricted) Activity. The District Plan Assessment Criteria will be used to evaluate any proposal to ensure that adverse effects will be no more than minor, and consistent with the Resource Management Act.

20.2.1.4

The NZHPT supports the intent of Policy 20.2.1.4 however it is requested that the wording be amended to make provision for heritage areas.

Decision Requested:

That the policy be reworded as follows: "Protect the heritage values of listed heritage items by ensuring that the effects of subdivision and development on the same site as any listed building or object or within a heritage area are avoided, remedied and mitigated". It is also requested that the explanation be amended to clarify Council's intent as follows: The significance of a heritage item can be adversely affected by inappropriate subdivision or development on the site of a heritage building or object and within a heritage area. For this reason, resource consent for a discretionary Activity (Unrestricted) will be required for any activity on the same lot as a listed heritage building or object or within a heritage area. In addition, Council will consider effects on adjacent sites where its jurisdiction has not been restricted, such as for other Discretionary (Unrestricted) or non-complying activities.

20.2.1.9

Submitter supports Policy 20.2.1.9 relating to signs

Decision Requested:

Make reference to the Sign Design Guide in Proposed Plan Change 48.

21A.1

Supports Rule 21A.1 Permitted Activities.

Decision Requested:

No decision requested.

21A.2.1

The submission requests amendments to rule 21A.2.1.

Decision Requested:

Make any modification to a listed heritage building or object a Discretionary (Unrestricted) Activity.

21A.2.1

The submission concerns the non-notification statement that provides a presumption for non-notification in respect of rule 21A.2.1.

Decision Requested:

If Council is to retain the Discretionary Restricted Activity Rule then it should not automatically consider such applications on a non-notified basis.

21A.2.1.7 - 21A.2.1.12

The submitter notes that there is an overt emphasis on facades in the rules and assessment criteria as discussed above, and some of the criteria do not mention objects.

Decision Requested:

Amend assessment criteria 21A.2.1.7 - 21A.2.1.12 to provide reference to objects.

21A.3.1

The submitter comments that the projection of historic heritage from demolition would be strengthened if demolition of a listed item were to be a non-complying activity.

Decision Requested:

The following rule is requested for demolition and relocation for buildings and objects: 21A.3.1 The demolition or relocation of any listed heritage building or object is a non-complying activity.

21A.3.1.2

It is submitted that if the rule 21A.3.1 is retained as a Discretionary Activity (Unrestricted) we suggest the wording in 21A.3.1.2 be amended.

Decision Requested:

It is required that the assessment criteria 21A.3.1.2 be amended to read as follows: "The extent to which the building or object has been damaged by fire or any natural disaster".

21A.3.1.3

The NZHPT is concerned with the weight given to economic considerations in assessment criteria 21A.3.1.3.

Decision Requested:

That assessment criteria 21A.3.1.3 be removed.

21A.3.1.3

Reference to objects is not included in assessment criteria

Decision Requested:

That the criteria be amended to read, " whether it can be demonstrated irrefutably that the building or object is a safety hazard and the hazards cannot be practically rectified."

21A.3.1.5

The NZHPT opposes criteria 21A.3.1.5 relating to relocation.

<p>Decision Requested: Delete 21A.3.1.5.</p>
<p>21A.3.1.6 Criteria 21A.3.1.6 & 21A.3.1.7 are very closely related and the provisions should be simplified. Decision Requested: Delete 21A.3.1.6</p>
<p>21A.3.2.1 and 21A.3.2.3 The NZHPT supports rule 21A.3.2 but requests amendments to the assessment criteria. Decision Requested: That 21A.3.2.3 be deleted, with the idea incorporated into 21A.3.2.1 as follows: the extent to which the proposed subdivision and subsequent development would adversely affect historic heritage, and whether or not any such negative effects can be avoided, remedied or mitigated.</p>
<p>21B.1.1 The NZHPT is unclear about the use of the term "maintenance of land" in 21B.1.1 as this is not defined. Decision Requested: That the term "maintenance of land" be either explained or removed.</p>
<p>21B.1.2 The NZHPT opposes Rule 21B.1.2 relating to the construction of any new building in a heritage area in a Residential Area. Decision Requested: That all modifications to a heritage area, including new construction and earthworks be discretionary (unrestricted) activity.</p>
<p>21B.2 and 21B.2.1, 21B.2.2, 21B.2.3, 21B.2.4 The submitter states that the matters raised by the NZHPT under Rule 21A.2 Discretionary Activities (Restricted) - Buildings and Objects also apply to rule 21B.2 and 21B.2.1, 21B.2.2, 21B.2.3, 21B.2.4 and the subsequent assessment criteria. Decision Requested: That the provisions be reviewed.</p>
<p>21B.3.1.2 and 21B.3.1.3 Amend 21B.3.1.2 and 21B.3.1.3. Decision Requested: 21B.3.1.2 and 21B.3.1.3 be replaced with, "The extent to which buildings, structures or other features comprising a heritage area have been damaged by fire or any natural disaster".</p>
<p>21B.3.1.6 The submitter opposes 21B.3.1.6. Decision Requested: Delete 21B.3.1.6.</p>
<p>21D The NZHPT generally supports the rules applying to signs; but is concerned that there needs to be consistency in terms used throughout this section and the two heritage chapters as a whole. For instance, the use of the term heritage building rather than listed heritage building and object and listed heritage area rather than heritage area. These terms are not used consistently in this section. Decision Requested: That the first bullet point in the introduction should be amended to read: - signs on listed heritage buildings and objects (and sites on which listed heritage buildings and objects are located); The subsequent rules need to be amended accordingly.</p>

77	Bruce Gordon McFadgen	99 Sefton Street Wadestown Wellington	Yes
<p>The submitter supports the proposed provision in principle and seeks to strengthen its implementation by adding a sub-policy to policy 20.2.1.11 relating to the archaeological values of any site.</p> <p>Decision Requested:</p> <p>The addition of a sub-policy to policy 20.2.1.11 as follows: 20.2.1.11.1 Require an archaeological authority application to be made under the Historic Places Act 1993 for any activity that disturbs or modifies the ground surface or alters the fabric of a pre-1900 AD building or built structure within the 1900 AD boundary of Wellington City.</p>			
78	Sarah Anne Bergquist Richard John Bergquist	2 Ngata Street Ngaio Wellington	Yes
<p>21.B</p> <p>Many of the proposed plan changes to Rule 21B Heritage Rules: Areas are unreasonable and the requirements are very onerous for private residential property owners and remove existing rights to enhance property. The proposed permitted activities are so restrictive that essentially any modification to a properties footprint or exterior appear to be subject to a Discretionary Consent. The proposed permitted 10% allowance for extension of a heritage area building footprint without the need for a discretionary Consent is too small. The Discretionary Consent requirement seems more appropriate for heritage listed properties, those properties used for commercial purposes or for significant modifications significantly in excess of the 10% proposed. It would be appropriate to maintain additions and alterations as Controlled Activities.</p> <p>Decision Requested:</p> <p>That additions and alterations to properties in Heritage Areas remain controlled activities.</p>			
<p>21B.1.3</p> <p>Rule 21B.1.3 is too restrictive and does not allow for minor earthworks to occur. The requirements for consent to undertake minor work where this has no affect on the heritage values of the property or area is too onerous.</p> <p>Decision Requested:</p> <p>That permitted earthwork requirements for Heritage Areas be substantially increased from 10m2 or this criteria be removed.</p>			
<p>21B.2.1.9</p> <p>Consultation with NZHPT or another professionally recognised expert in heritage conservation is very onerous on a private owner wishing to make relatively minor amendments to a property.</p> <p>Decision Requested:</p> <p>Consultation with NZHPT be deleted from the Heritage Area rules and assessment criteria.</p>			
79	Wellington Civic Trust	PO Box 10183 Wellington	No
<p>The Trust strongly supports the stated intention of the proposed Change to strengthen the regulatory controls for the protection of the City's historic heritage. However, the Trust does raise concern that the heritage list is alarmingly small and needs to be extended. No commitment has been made under the Change to increase the very modest fund earmarked to assist owners of heritage buildings, and technical wording referred to in the Plan Change is not user friendly and needs to have clearer explanation.</p> <p>Decision Requested:</p> <p>Adoption of the proposed changes which the Trust supports and favourable consideration to the concerns raised.</p>			
80	Thorndon Society Inc	C/-The Secretary PO Box 12-398	Yes

		Thorndon Wellington	
<p>21A.2, 21A.2.1, 21A.3, 21B.2, 21B.3</p> <p>The submitter supports the giving of greater significance to heritage which the plan change represents, in particular making additions and alterations to a listed building or object a discretionary activity. The submitter states the specific rules allow for very little direct community opportunity to make submissions on proposals to substantially alter buildings and it is requested that additions and alterations to a listed building or object should be a discretionary (unrestricted) activity.</p> <p>Decision Requested:</p> <p>It is requested that rules 21A.2 and 21B.2 should be amended to make the matters covered under them a discretionary (unrestricted) activity together with any consequential changes required to 21A.3 and 21B.3.</p>			
81	ING (NZ) Ltd	C/- Spencer Holmes Ltd Level 6, 8 Willis Street PO Box 588 Wellington Attn: Ian Leary	Yes
<p>General</p> <p>While generally supporting provisions that protect and enhance the heritage fabric of the city, ING(NZ) considers that the proposed heritage provisions places too great an emphasis on the heritage aspects of land, removing existing development rights and undermining the landholders ability to provide for its economic wellbeing. The proposed provisions are so protective and restrictive, that they have potentially become counter productive, by limiting the ability for "reasonable" development and use of the land. ING(NZ) submit that changes to the proposed objectives, policies and rules can provide heritage protection envisaged under s6(f) of the act, while preserving the ability of land owners to use and develop land in an efficient and sustainable manner.</p> <p>Decision Requested:</p> <p>To amend the proposal to reflect the changes suggested by ING (NZ) Ltd.</p> <hr/> <p>20.2.1.2</p> <p>The submission focuses principally on the explanation to the policy that identifies that the demolition, destruction or relocation of a listed building or object is a discretionary activity (unrestricted). This is believed to be inappropriate.</p> <p>Decision Requested:</p> <p>That amendments, deletions and additions be made to the policy.</p> <hr/> <p>20.2.1.3</p> <p>The submission is concerned principally with the "freezing" of main elevations and the use of discretionary activity (unrestricted) controls.</p> <p>Decision Requested:</p> <p>That the policy be amended to address the submission.</p> <hr/> <p>20.2.1.4</p> <p>The submission opposes the inclusion of the following words in the explanation to the policy "In some instances Council may also have jurisdiction to consider the effects of development on a site that adjoins a site containing a heritage building or object under other area based rules (ie the Central Area)" as the Central Area provisions are still to be decided.</p> <p>Decision Requested:</p> <p>That the last sentence in the explanation to the policy be deleted.</p> <hr/> <p>20.2.1.6</p> <p>The submission opposes the proposition from Council that non heritage buildings within heritage areas be subject to protection from demolition and modification. This is an unnecessary imposition of property rights.</p> <p>Decision Requested:</p>			

Delete policy 20.2.1.6 and make consequential amendments to the explanatory text.

21A.1.1

This rule is generally supported except that the definition in 3.10 for repair and maintenance is practically unworkable due to the requirement to prove what a building looked like 12 years ago.

Decision Requested:

Any requirement to reference a date in respect of repairs and maintenance should be from a recent date to allow building owners to keep appropriate records.

21A.1.2

The submission requests consistency in that controls should only apply to those parts of buildings specifically listed.

Decision Requested:

That the rule and explanatory statement be amended to make it clear that controls on the visibility of structured strengthening only apply to those parts of buildings specifically protected.

21A.2.1

The submission opposes the rule which it is contented restrict and protect parts of a building which make no contribution to the heritage values of the city. Extending controls to parts of the building not visible from public areas, or which could reasonably be expected to be developed, is an unfair obligation on the owners of heritage buildings.

Decision Requested:

That the rule be amended to make it clear that controls only apply to the protected parts of listed heritage buildings or objects including amendments to the related assessment criteria.

21A.2.2

It is submitted that the suggested amendments to Rule 21A.2.1 make rule 21A.2.2 superfluous.

Decision Requested:

Delete Rule 21A.2.2.

21A.3.1

It is submitted that the suggested amendments to Rule 21A.2.1 make Rule 21A.3.1 superfluous.

Decision Requested:

Delete Rule 21A.3.1.

21A.3.2

The submission opposes aspects of the rule controlling the subdivision of a site on which a listed heritage building or object is located.

Decision Requested:

Amend the related assessment criteria to allow more reasonable assessment to be made. Also to avoid applicants having to unnecessarily address two relevant rules, effectively addressing the same matter, then Council should develop a mechanism within the rule to avoid the requirement to address potentially two subdivision rules. For example, a subdivision within the Central Area would also have to address operative rule 13.4.4 or proposed rule 13.4.11 (DPC 48). A rule / clarification should also be made that allows unit title subdivision around existing heritage buildings that does not result in modification to the external building structure or works other than works necessary for the connection of services, to be considered as a controlled or permitted activity.

21B

The submitter takes the position that all the proposed heritage rules (as notified) effectively give the non heritage buildings within the identified areas, a heritage status which significantly reduces the development rights of those buildings. In the case of this restriction on development rights and extended heritage protection, is unwarranted. A more appropriate, area specific response is required. In particular, the requirement to have a resource consent for non heritage building fitouts in commercial areas (within heritage areas) below veranda level is overly onerous.

Decision Requested:

That all the rules under 21B be deleted and amendments be made to the heritage provisions to include specific design guides,

with specific identified heritage outcomes for each heritage area.

21D.1.1

The permitted activity standards for signs within the commercial areas of Wellington and in particular the Central Area "golden mile" are ridiculously restrictive.

Decision Requested:

Include a new rule 21D.1.2 to provide for more extensive signage on heritage buildings within the Central Area and suburban centres with consequential amendments to proposed rule 21D.1.1.

21D.3.1

Rule 21D.3.1 is generally supported. However the language of the discussion below the rule is such that it appears that there is an intent to exclude signs from the commercial areas of the city, including the "golden mile".

Decision Requested:

Including amendments to the explanation to rule 21D.3.1 to make it clear that the Council does not intend to exclude signs from commercial areas.

82	St. Johns Inner City Council	C/- Mr Andrew Marshall Level 4, 22 The Terrace PO Box 645 Wellington	Yes
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General

St. Johns Inner City Council opposes all of DPC43 for failing to comply with Section 5 of the RMA, placing undue weight on Section 6(f), deficiencies in the Section 32 report and inconsistencies with section 85 of the RMA because the charge would render interests in land incapable of reasonable use.

Decision Requested:

Reject all of DPC43.

3.2.2.14

Information to be submitted with an Application for Resource Consent. The submitter opposes most of the information requirements on the grounds that they are unnecessary, impractical or create compliance difficulties.

Decision Requested:

Reject 3.2.2.14

20.1

The words "The identification, protection and use of these places are fundamental to the sustainable management of Wellington's natural and physical resources" in paragraph 1, 20.1 Introduction are an overstatement and are inconsistent with the purpose of sustainable management and it does not accord with section 6(f) of the RMA.

Decision Requested:

Amend the provision so it is consistent with the RMA, including Part II and section 85, replace the word "protection" with the words in section 6(f) of the RMA and add that heritage provisions must not render an interest in land incapable of reasonable use so that 20.1 is consistent with section 85.

20.1.1

The words "the Council strongly supports the protection of the City's built heritage and in June 2005 adopted a Built Heritage Policy" is inconsistent with the RMA.

Decision Requested:

Delete the above words from 20.1.1 and related provisions.

20.1.1

The paragraph in 20.1.1 relating to surroundings is excessive and the District Plan should identify explicitly in the heritage provisions any building which is affected by the heritage provision.

Decision Requested:

Delete the paragraph in 20.1.1 relating to surroundings.

20.2.1

Objective 30.2.1 to recognise and protect the city's historic heritage is inconsistent with the Ram and fails to recognise the interests of owners and occupiers.

Decision Requested:

Amend objective 20.2.1 to read: "to recognise and protect the City's historic heritage from inappropriate subdivision, use and development".

20.2.1.2

Policy 20.2.1.2 relating to the protection of listed buildings or objects from demolition or relocation is inconsistent with section 6(f) in that protection should be from only inappropriate subdivision use, and developments. It is also commented that the criteria to be fulfilled before demolition or relocation will be allowed are far too high and they are inconsistent with the RMA. The requirement that it be demonstrated irrefutably that there is no sustainable continued use is so high it would be impracticable to meet the standard of proof.

Decision Requested:

Amend Policy 20.2.1.2 so it is consistent with section 6(f) and section 85 RMA so it reads: "Protect historic buildings and objects from inappropriate subdivision, use and development and have regard to wider aspects of sustainable management, including the interests of owners and occupiers".

20.2.1.3

It is submitted that policy 20.2.1.3 promotes sustainable continued use while ensuring that effects on heritage values are avoided, remedied or mitigated but the policy fails to recognise the need to avoid restrictions which render land incapable of reasonable use and which may cause hardship to property owners and in this regard the policy is unjust and inconsistent with the RMA, and is also inconsistent with Section 6(f).

Decision Requested:

Amend the policy so that it recognises that conservation cannot be promoted at the expense of rendering land incapable of reasonable use so it duly recognises the rights of those with an interest in the listed heritage items. Amend policy 20.2.1.3 to read: "Promote the conservation and sustainable use of listed buildings in a way which protects them from inappropriate subdivision, use and development".

20.2.1.6

It is submitted that Policy 20.2.1.6 is inconsistent with section 6(f) RMA, fails to duly take into account sections 5 and 85 RMA and should expressly apply only to identified buildings and not to a heritage area.

Decision Requested:

Delete policy 20.2.1.6.

20.2.1.7

It is submitted that policy 20.2.1.7 relating to additions and alterations to heritage buildings sets a standard that is unrealistically high. It is also argued that heritage controls should not be imposed on non heritage buildings and that the policy should not render an interest in land incapable of reasonable use and should not create injustice.

Decision Requested:

Delete policy 20.2.1.7.

20.2.1.8

It is submitted that policy 20.2.1.8 may not maintain and enhance heritage values but result in the diminution of them or the loss of the heritage item.

Decision Requested:

Delete policy 20.2.1.8.

21A.1

The submission supports relevant activities such as repairs and maintenance and internal alterations and additions as a permitted or discretionary activity (restricted).

Decision Requested:

That rule 21A.1 permitted activities: repairs and maintenance should be retained and Rule 21A.1.2 internal additions and alterations etc also should be retained.

21A.2

The submission on Rule 21A.2 addresses most of the provisions and requests various amendments and deletions

Decision Requested:

- Amend 21A.2 so that all relevant work (including alterations and additions to, and demolition of a listed heritage item) which is not a permitted activity is a discretionary activity (restricted).
- Amend 21A.2.1 by deleting the exceptions in the three bullet points.
- Amend the matters in respect of which the Council has retained discretion by deleting 21A.2.1.2 height, 21A.2.1.3 coverage and 21A.2.1.4 bulk and massing of buildings.
- Amend 21A.2.1, assessment criteria, so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers.
- Delete 21A.2.2.
- Delete 21A.2.2.2.
- Delete 21A.2.2.3.
- Delete 21A.2.2.4.
- 21A.2.2 assessment criteria, amend 21A.2.2.5-7 so they are more balanced and to have due regard to matters other than heritage, including other aspects of Part II RMA section 85, and the interests of owners and occupiers.

21A.3

The submission opposes the Discretionary Activity (Unrestricted) provisions and seeks that all relevant activities should be either permitted or discretionary activities (restricted). It is also stated that when considering a proposal in respect of a heritage item the effect of the proposal on heritage only should be relevant. By putting proposals in respect of heritage items in the discretionary activity (unrestricted) category matters irrelevant to heritage effects may be taken into account when they should not be.

Decision Requested:

Delete Rule 21A.3.

21A.3.1

The assessment criteria for Rule 21A.3 are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

Decision Requested:

If 21A.3 is not deleted as requested amend 21A.3.1.1-9 so the assessment criteria are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, as follows: 21A.3.1.1 Whether the proposal protects historic heritage from inappropriate, subdivision, use and development; 21A.3.1.2 The interests of owners, occupiers and anyone else with an interest in the building; 21A.3.1.1 Whether restrictions for heritage purposes will be contrary to section 85 RMA; 21A.3.1.4 Whether the proposal promotes sustainable management.

21A.3.2

The submission opposes Rule 21A.3.2 on the grounds that there is inadequate justification for such a rule; the rule is too blunt an instrument; the existing provisions in the District Plan for subdivisions are adequate in all respects; and inappropriate especially for large sites.

Decision Requested:

Delete Rule 21A.3.2.

21B.2

The submission states that for discretionary activities (restricted) the only matters in respect of which the Council should reserve a discretion should be effects on historic heritage, and the assessment criteria in 21B.2.1.5-11 are unbalanced and fail to have due regard to matters other than heritage, including other aspects Part II RMA, section 85, and the interests of owners and occupiers of properties.

Decision Requested:

Amend 21B.2 so any new building and all work on an existing building (including modifications, additions, relocation and

demolition) is a discretionary activity restricted. 21B.2.1 amend the matters in respect of which the Council retains discretion by deleting 21B.2.1.2 design, 21B.2.1.3 height, sitting and coverage and also 21B.2.1.4 bulk and massing of buildings. 21B.2.1, assessment criteria, 21B.2.1.5-11 amend the criteria so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85 and the interests of owners and occupiers.

21B.3

The submission states that Rule 21B.3 discretionary activities (unrestricted) should be deleted because the Council should have a discretion in respect of effects on historic heritage only. It is also commented that the assessment criteria are unbalanced and fail to have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers, and that the provisions are contrary to: a) the RMA; b) property legal principles; c) good resource management, theory and practice.

Decision Requested:

Delete 21B.3 discretionary activities (unrestricted). 21B.3 discretionary activities (unrestricted) (if it is not deleted pursuant to the primary request above) then amend the assessment criteria in 21B.3.1.1-8 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, and section 85 and the interests of owners and occupiers. Delete 21B.3.2 which includes as a discretionary activity (unrestricted) earthworks which are not a permitted activity and make all earthworks which are not a permitted activity a discretionary activity restricted. Amend the assessment criteria for 21B.3.2 (if contrary to the primary submission it is retained) so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA, section 85 and the interests of owners and occupiers. Delete 21B.3.3 which includes as a discretionary activity (unrestricted) any subdivision of a site within a heritage area and include or make such subdivisions discretionary activities restricted. 21B.3.3 amend the assessment criteria for subdivisions in a heritage area by substituting for 21B.3.3.1: "The effect of the proposal on heritage". Amend the assessment criteria for 21B.3.3 so they are more balanced and have due regard to matters other than heritage, including other aspects of Part II RMA and section 85.

83	Newtown Resident's Association	PO Box 7021 Wellington South	Yes
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The Newtown Resident's Association very strongly supports the proposed amendments that make additions and alterations, demolition or relocation a Discretionary Activity (Restricted) in Rule 21A.2. Being able to decline consent for proposals not respecting listed heritage buildings or objects is the most important aspect of District Plan Change 43. The Association would like District Plan Change 43 to confirm a bulk and location and design guide "advantage" to existing pre 1996 structures in Newtown, Berhampore and Mt Cook as proposed for plan change 39.

Decision Requested:

The Newtown Residents' Association requests the strengthening of controls to protect historic heritage and the modification of Plan Change 43 to include the adoption of the "existing building bonus" for pre 1996 structures in Newtown, Berhampore and Mt Cook.

84	Ian Bowman Architect & Conservator	12A/4 Claremont Grove Wellington	Yes
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The submitter supports the Plan Change but raises concerns about the following matters:

- The existing criteria are more suited to assessing building heritage values than those proposed.
- With respect to the definitions of conservation in 20.1.4.1, the District Plan should use those in the NZ ICOMOS Charter as these definitions are not widely understood.
- It should be mandatory for the preparation of conservation plans in 20.1.6 where a consent is required for the modification of a listed heritage building.
- Council should require that Conservation Plans be written by a member of the NZ Professional Conservators Group or by a professionally qualified and experienced person.
- The cost of the Conservation Plans could be granted by council given the public good aspects of owning a heritage building and the consequent controls placed on building.
- Additions and alterations defined in 21A.2 should be Discretionary (Unrestricted), rather than Discretionary (restricted), as the widest range of issues as possible need to be considered.
- The cumulative effects of any changes must be considered when consents are applied for to undertake further modifications.

- There is a need to include all interiors except where an applicant can prove the interiors have no value or have been drastically altered.
- Funding for heritage buildings should be enhanced.

Decision Requested:

Approve plan change subject comments listed.

85	Wharenui Apartments Ltd	274 Oriental Parade Wellington	Yes
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The submitter states that:

- Plan Change 43 does not make provision for relevant cost / benefit and economic considerations.
- Essential terms are not defined sufficiently in 20.2.1.3, 20.2.1.4, 21A.1.1 and 21A.2.1.
- Policy 20.1.2.4 is too restrictive.
- The assessment criteria for Rule 21A.2 are too numerous, are unduly broad and subjective and include an unlawful presumption against modification.
- The activities referred to in Rule 21A.2.2 are a discretionary (restricted) activity, are ill-defined and unnecessarily broad, as are the assessment criteria in 21A.2.2.5 - 21A.2.2.7.
- The assessment criteria for the discretionary activities (unrestricted) in Rule 21A.3 are too numerous, unduly broad and subjective.
- The objective in 20.2.1 will best be achieved by providing for a range of more closely defined controlled activities.

Decision Requested:

To redraft the Proposal to make provision for the matters listed.