

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of Submissions and Further  
Submissions on the  
Proposed Wellington City  
District Plan

**Stream 3 Reporting Officer Right of Reply of Moira Smith on  
behalf of Wellington City Council**

**Date: 19 June 2023**

## RIGHT OF REPLY AUTHOR

*Moira Smith*

1. My name is Moira Smith. I am a self-employed conservation architect and heritage advisor.
2. I have prepared this Reply on behalf of Wellington City Council (Council) in respect of the technical heritage matters raised in Hearing Stream 3 during the hearing.
3. I have listened to submitters in Hearing Stream 3, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 3 topics.
4. [My statement of evidence](#) sets out my qualifications and experience as an expert in heritage and conservation architecture.
5. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

## SCOPE OF REPLY

7. This Reply follows Hearing Stream 3 held from 9 May to 25 May 2023. Minute 1: Hearing Procedures required the Section 42A report authors to submit a written Right of Reply a formal response to matters raised during the hearing.
8. The Reply includes:
  - (i) Feedback on specific matters and questions the Panel asks the Section 42A authors and subject matter experts in Minute 23.
  - (ii) Commentary on additional matters I consider it is useful to clarify or that were the subject of verbal requests from the Panel at the hearing.

## Heritage Issues:

*How long does it take on average to assess a potential heritage building to the standards required by Council for scheduling?*

9. The average time to assess a potential heritage building (or structure) for the PDP was about 20 hours.
10. It takes about 20 - 30 hours to write an HHE report for a building or structure where there is little or no information available on the place. An example is the Dobson House HHE report, which took 24 hours to write (including a visit to Archives NZ to view the original plans, and a visit to the house). Additional time was taken by the Council to peer review the report.
11. HHE reports for places with an existing Council or HNZPT report take significantly less time, and can be completed and peer reviewed in 8-12 hours. Of the items added to the proposed district plan:
  - 60% (31 of the 52) new heritage buildings had an existing report.
  - One of the four new heritage structures had an existing report.
  - There were no existing reports for the three new scheduled archaeological sites.
12. It is more difficult to provide an average time to produce an HHAE report for a heritage area, particularly as 8 (of the 9) new heritage areas had an existing report which provided most of the research for the history of the place. Again, this reduced the time required to complete the HHAE reports.

*To Ms Smith, would best conservation practice include a site visit of the property for the purpose of assessing a building as to its heritage values?*

13. I agree that it is good practice to include a site visit when assessing its heritage values, in particular to ensure that the physical values identified in a desktop study are evident at the place.
14. I also consider that a substantial part of the HHE reports can be completed

as a desktop study, and that the site visit can be carried out by the author of the HHE report, or by the person who carries out the peer review.

15. The extent of the site visit is generally restricted to viewing the item from a public place except when:
  - The item is a public building or is located in a public place – for example, Pukeahu National War Memorial Park; or
  - The item provides a public function – for example, the public areas of shops, cinemas, or cafés; or
  - The owner invites the person undertaking the assessment (or peer review) onto their property.
  
16. Where a site visit is not possible, then other sources of information can be considered. Some examples include:
  - Existing HNZPT or WCC reports that included a site visit.
  - Resource consents and building consents.
  - Photographs or video that are published in books, or online.
  - Images from real estate and other websites.
  - Googlemaps/ streetview or other online mapping.

*What influence, if any, does the condition of a building have on the heritage values of a building and/or the subsequent evaluation under ss32, 77K and/or 77J?*

17. This question is addressed by Mr McCutcheon in his Right of Reply, and the following is the supporting heritage advice.
  
18. The first part of this question was addressed in paragraphs 339-340 of my original evidence. In summary:
  - (a) Heritage assessments of buildings generally only consider condition to the extent that it affects the integrity of a place.
  - (b) A building can have significant integrity even if it is in poor condition.
  - (c) Intactness and authenticity are components of integrity, and the replacement of short lifespan materials (for example, roofing, glass, and external finishes) do not preclude a building from having value.

- (d) This approach is consistent with HNZPT assessments and direction to Historic England on the principles for selection for listed buildings.

*In relation to 20 Austin Street, Ms Smith suggested that work to fix leaking from the interior guttering should be accommodated. How is this proposed to be done?*

19. This question was addressed in paragraph 233 of my original evidence.
20. In clarification, I understand that the roof at 20 Austin Street does not leak currently. This is noted in the original submission 465, page 5 as follows:  
*The roof's internal gutters are a problematic design which would benefit from re-configuration. They have resulted in damaging leaks twice while I have lived in the house. I request protection of the roof design is removed from the schedule.*
21. Under the current PDP, the gutters could be repaired and upgraded as a permitted activity (without resource consent). The Council has discretion under the repair and maintenance provisions to allow for minor changes to reduce the risk of the gutters overflowing – for example, increasing the depth of the gutters, alterations to the pitch of the gutters, and the addition of overflows.
22. Alterations to the roof (including re-pitching the roof to remove the two internal gutters) would require resource consent. This would also ensure that substantial works (beyond re-pitching the roof) would also require consent – for example, adding extra storeys to the house, creating a mansard or attic room, or adding dormer windows.
23. The Council has discretion to reimburse the resource consent fee for works (such as re-pitching the roof) that require consent, but have positive outcomes - [Building and resource consents - Fee reimbursements for heritage items - Wellington City Council](#)
24. When ascertaining whether the works would have a positive outcome, the assessment of effects would be based (to a large extent) on the HHE report. My view is that the HHE report incorrectly considers the arrangement of the roof to be a significant feature of the house.

25. My recommendation is that the HHE report is updated to reflect the issues raised by submission 465, in particular the history section, which would be updated to note the owner's experience of the leaking roof.
26. Reference to the roof in the HHE report's heritage assessment would be removed, as follows:

***(ii) Architectural: the place is notable for its style, design, form, scale, materials, ornamentation, period, craftsmanship or other architectural values***

This house has **significant** architectural value as an **excellent example** of an early Italianate villa. The west elevation is particularly fine, and the detailing on the gable a notable feature, as is the use of nine-pane sashes that lift the appearance of many of the windows beyond the typical. ~~The unusual arrangement of the roof is also of considerable interest.~~

***E. Rarity: the place is unique or rare within the district or region.***

The house has **significant rarity** value in a Te Whānganui-a-Tara Wellington context, both for being a well-preserved and reasonably intact 1870s dwelling, that demonstrates an era of development, ~~and for its intriguing roof design.~~ It also demonstrates a quality of architectural detailing and workmanship that lifts it out of the ordinary.

*Does the extent of heritage controls in the PDP over 1 Ranfurly Terrace deprive its owners of reasonable use of their home in terms of Section 85 of the RMA?*

27. This question is addressed by Mr McCutcheon's Right of Reply, but it may be helpful to provide a brief timeline for 1 Ranfurly Terrace. This provides context to the Council and owner's submissions regarding the property:

1898	Constructed by developer Richard Keene, and purchased by the Emeny Family.
1908	Additions
2007	

February	The estate of Irene Emeny requested that the house be listed in the district plan.
July	The house is offered for sale by the estate of Irene Emeny.
August	DPC58 is notified and there is a Council press release that states that the house will be the first in Wellington to have a listed interior.
28 September	The house is sold.
18 October	SR 169993 resource consent pre-application meeting.
31 October	SR 171210 resource consent application.
November	Successful BHIF grant for \$15,000.
07 December	Notice of Decision for SR 171210. Approved work included demolition of the freestanding laundry/shed, installation of a new kitchen, removal of the wall between the kitchen and dining room, installation of a new ensuite bathroom and dressing room, re-piling and the removal of brick chimneys.
2008	
28 February	Fee waiver for resource consent SR 171210.
2009	
17 February	SR 191900 application for resource consent for the installation of an external flue through the roof of the house.
13 March	Notice of decision for SR 191900.
2017	
14 February	SR 378466 pre-application meeting. Successful BHIF application for a \$6,500 grant.
30 March	SR 382202 resource consent for works to the listed bathroom.
01 May	Notice of Decision for SR 382202.
10 May	Heritage Resource Consent fee rebate for SR 382202.
2020	
January	SR 458110 pre-application meeting.
26 February	SR 460169 resource consent for the removal of a listed freestanding chimney (from the original laundry/shed that was demolished under SR 171210).
05 March	Notice of Decision for SR 460169 and fee rebate.

28. In the oral submission, Mr De Lorenzo discussed the requirement to obtain resource consent for a pipe. This appears to have been SR 191900 for a flue. A vent for the hot-water/heating system was originally installed under SR 171210 within a lightweight replica chimney. There were technical issues, and a new free-standing flue was proposed for installation on the roof of the building. The key issue was the impact on the exterior of the property, which the Council's heritage advisor considered to be "minimal", and consent was granted.
29. In the oral submission, Mr De Lorenzo discussed the requirement to obtain resource consent for a new conservatory in the rear garden. I provided heritage advice for the preapplication meeting SR510472. My notes are that:
- (a) Resource consent was required under 21A.2.2 for the construction of a new building on the site of a heritage building.
  - (b) Subject to the final design of the small single-storey orangery/greenhouse, there were "no specific heritage concerns to raise about the design or location of the summerhouse".
  - (c) The two outstanding points were Building Consent, and whether the works would require an Archaeological Authority from HNZPT.
30. Overall, I disagree with the point raised by Mr De Lorenzo that the requirement to obtain resource consent for the summerhouse was somehow related to the internal listing of the main house.
31. The PDP allows for the construction of a new accessory building on the site of a heritage building (such as 1 Ranfurly Terrace) within a Medium Density Residential Zone where the building is located to the rear of the property and is less than 10m<sup>2</sup>. It may be possible for the owners to construct the orangery/greenhouse/summerhouse without reference to the heritage rules, although other district-wide and zone-based rules may apply.
32. In response to a point raised by Historic Places Wellington on support provided for the owners of 1 Ranfurly Terrace - I note that the Council has



rebated the resource consent fees for every resource consent with the exception of SR 191900. This was because the fee waiver for SR 171200 was offered by the Council's discretion and the heritage resource consent fee rebate scheme began at a later date. Each resource consent has been attended to in a timely manner, and to my knowledge the owners have received 2x BHIF grants to assist with the extra-over costs of conservation works.

*As regards Hurston House and the McLean Flats, does the Council have enough information to populate a listing? If so, please set out what would be inserted in the Plan if the Hearing Panel agrees with the reasoning of Heritage New Zealand Pouhere Taonga?*

33. Yes, the Council has enough information to collate a scheduled entry for these two entries.

## HURSTON

34. For Hurston, the Council has sufficient information to confirm that the place has significant historic and physical values. This means that the place is eligible for inclusion in the PDP under the GWRC RPS policy 21. If the Hearing Panel agrees with the reasoning of HNZPT, then the SCHED1 heritage building entry for the place would be as follows:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
#TBC	<a href="#">1 Mersey Street, Island Bay</a>	<a href="#">Hurston</a>	<a href="#">Lot 4 DP 10199</a>	<a href="#">Entire external building envelope.</a>	<a href="#">A, B</a>		<a href="#">Historic Place Category 2, 9954</a>

35. I have established these values by reviewing the HNZPT listing report. The following table shows the similarities between the HNZPT and WCC/GWRC criteria, and demonstrates how the place meets the GWRC RPS Policy 21 threshold for eligibility for inclusion in the PDP.
36. The table also demonstrates the complexity of comparing the heritage criteria under section 66 of the Heritage New Zealand Pouhere Taonga Act to the criteria included in the GWRC RPS Policy 21.

<b>HNZPT criteria</b>	<b>HNZPT assessment of Hurston</b>	<b>WCC / GWRC RPS policy 21 Evaluation Criteria</b>	<b>Status, based on the HNZPT assessment.</b>
		<b>A. Historic values: these relate to the history of a place and how it demonstrates important historical themes, events, people or experiences.</b>	Significant
Criterion (a) The extent to which the place reflects important or representative aspects of New Zealand history	The story of Hurston and the land on which it sits at Island Bay reflects a wider story of the suburban development of New Zealand at the end of the 19th century. Due to growing populations there was a shift from inner city to suburban living and Hurston is a good early example of this. It predates the big shift as tramlines were laid and reflects the importance of public transport to the spread of suburban living in New Zealand.	(i) <i>Themes: the place is associated with important themes in history or patterns of development.</i>	Yes
		(ii) <i>Events: the place has an association with an important event or events in local, regional or national history.</i>	Not assessed
Criterion (b) The association of the place with events, persons, or ideas of importance in New Zealand history	Hurston is closely associated with an important architect, William Charles Chatfield, who designed the building for his family home and lived in it between circa 1887 and his death in 1930. Chatfield served as president of the Wellington Association of Architects in 1894 and he was founding president of the New Zealand Institute of Architects in 1905. In this capacity he helped get the NZIA Act through parliament in 1913, a significant piece of legislature which saw New Zealand architects gain recognition as a professional body.	(iii) <i>People: the place is associated with the life or works of an individual, group or organisation that has made a significant contribution to the district, region or nation</i>	Yes
Criterion (c) the potential of the place to provide knowledge of New Zealand history.			
		(iv) <i>Social: the place is associated with everyday experiences from the past and contributes to our understanding of the culture and life of the district, region or nation.</i>	Not assessed / but possible local associations
		<b>B. Physical values: these values relate to</b>	Significant

HNZPT criteria	HNZPT assessment of Hurston	WCC / GWRC RPS policy 21 Evaluation Criteria	Status, based on the HNZPT assessment.
		<i>the physical evidence present.</i>	
		(i) <i>Archaeological: there is potential for archaeological investigation to contribute new or important information about the human history of the district, region or nation.</i>	Not assessed
Criterion (g) The technical accomplishment, value, or design of the place	Hurston includes features which have significant technical values as Chatfield designed the villa as a way to demonstrate to prospective clients his mastery of its design and the wide variety of possible architectural flourishes they could consider for their own villa design. The features on Hurston's west-facing front facade include the grand front steps, tall double hung windows, finials and reversed finials, decorative veranda, coloured glass panes and a complex roof design. The interior features include the built-in cabinetry, carved staircase and flattened arches. These features give the building technical value as an example of the range of design features common for a late 19th or early 20th century New Zealand villa.	(ii) <i>Architectural: the place is notable for its style, design, form, scale, materials, ornamentation, period, craftsmanship or other architectural values.</i>	Yes
Criterion (k) the extent to which the place forms part of a wider historical and cultural area.		(iii) <i>Townscape: the place is strongly associated with other natural or cultural features in the landscape or townscape, and/or contributes to the heritage values of a wider townscape or landscape setting, and/or it is a landmark.</i>	Not assessed / but possible local values
		(iv) <i>Groups: The place is part of a group of buildings, structures, or sites that taken together have coherence because of their age, history, style, scale, materials, or use.</i>	Not assessed / but possible local relationship with other religious orders and places.
		(v) <i>Surroundings: the setting or context of the place contributes to an appreciation and understanding of its character, history and/or development.</i>	Not assessed

HNZPT criteria	HNZPT assessment of Hurston	WCC / GWRC RPS policy 21 Evaluation Criteria	Status, based on the HNZPT assessment.
		(vi) <i>Scientific: The area or place has the potential to provide scientific information about the history of the district or region.</i>	Not assessed
		(vii) <i>Technological: the place provides evidence of the history of technological development; and/or demonstrates innovation or important methods of construction or design; and/or contains unusual construction materials.</i>	Not assessed
		(viii) <i>Integrity: the significant physical values of the place have been largely unmodified. This includes the retention of important modifications and/or additions from later periods.</i>	The HNZPT report suggests that the place is largely unmodified.
Criterion (i) the importance of identifying historic places known to date from an early period of New Zealand settlement.		(ix) <i>Age: the place is particularly old in the context of human occupation of the Wellington region.</i>	Not assessed
		C. <i>Social values: these values relate to the meanings that a place has for a particular community or communities.</i>	
Criterion (h) the symbolic or commemorative value of the place	Since 1953 Hurston has had spiritual significance as the New Zealand base of the Catholic order of the Missionary Sisters of Peter Claver.	(i) <i>Sentiment: the place has strong or special associations with a particular cultural group or community for spiritual, political, social, religious, ethnic, national, symbolic or commemorative reasons.</i>	Possible local significance.
Criterion (e) the community association with, or public esteem for, the place.		(ii) <i>Recognition: the place is held in high public esteem for its historic heritage values, or its contribution to the sense of identity of a community, to the extent that if it was</i>	Listed by HNZPT as a Category 2 Historic Place

HNZPT criteria	HNZPT assessment of Hurston	WCC / GWRC RPS policy 21 Evaluation Criteria	Status, based on the HNZPT assessment.
		<i>damaged or destroyed it would cause a sense of loss.</i>	
		<i>(iii) Sense of place/ continuity: the place provides evidence of cultural or historical continuity, or contributes to a sense of place for a community</i>	Not assessed
Criterion (d) the importance of the place to tangata whenua.		<i>D. Tangata whenua values: the place is sacred or important to Māori for spiritual, cultural or historical reasons.</i>	Unknown
Criterion (j) the importance of identifying rare types of historic places.		<i>E. Rarity: the place is unique or rare within the district or region.</i>	Not assessed
		<i>F. Representativeness: the place is a good example of its type, era or class it represents.</i>	Not assessed /possible local significance.
Criterion (f) the potential of the place for public education.			

37. My view is that, in addition to the values identified by HNZPT, Hurston may be locally significant when assessed against the WCC/GWRC policy criteria. Consequently, and to populate an HHE report for Hurston, the Council requires further research and analysis to understand the local significance of the place, including:

- (a) Consideration of local history, and historic themes. Particularly, the development of Island Bay; the history of immigration of the local Greek and Italian communities; and the local concentration of places associated with the Catholic Church including convents, churches, and schools.
- (b) Assessment of the local townscape and group values – particularly in relation to St Francis de Sales Church (SCHED1 heritage building #487) and school.
- (c) Assessment of the setting and surroundings of Hurston.

- (d) Assessment of the integrity of the place.
  - (e) Consideration of whether the place has locally significant social values, and the connection to its local communities.
  - (f) Comparative analysis to understand rarity and representativeness of the place at a local level, when compared to other similar items scheduled in the PDP.
  - (g) Consideration of the extent to which the c.1982 garage and committee room contribute to the values of the place, and whether these additions should be identified as “non-heritage” in the schedule.
38. In my view this second step is necessary as the National Planning Standards require the following:

*Matters associated with schedules*

*14. Each schedule must include the following information for each site or item identified:*

- a. unique identifier (created by the local authority)*
- b. site identifier (eg, legal description, physical address, site name or description)*
- c. site type (including **description of values**)<sup>1</sup>*
- d. map reference or link.*

*15. Local authorities must consider whether to include additional relevant information in schedules.*

39. My view is also that the additional significance could be added to the PDP SCHED1 entry at a future district plan change or variation.

**MCLEAN FLATS**

40. For the McLean Flats, the Council has sufficient information to confirm that, when considered in conjunction with the Gordon Wilson Flats, the two buildings have significant historic and physical values. This means that the buildings are eligible for inclusion in the PDP under the GWRC RPS policy 21. If the Hearing Panel agrees with the reasoning of HNZPT, then the SCHED1 heritage building entry for the place would be amended as follows:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #

<sup>1</sup> National Planning Standards, page 42 – my emphasis

299	320 <u>and 320A</u> The Terrace	Gordon Wilson Flats <u>and McLean Flats</u>	LOT 1 & LOT 2 DP 363050 – <u>SUBJ TO ROW</u>	Entire external building envelope	A, B, C, F		Historic Place Category 1, 9783
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41. My view is that, despite the view expressed by Dr Jacobs that the two buildings should be included in the same listing, there may be practical reasons for the Council to consider individual listings. The questions raised by the joint listing include:

- (a) How would the rule for total demolition apply for a resource consent for the demolition of one of the two buildings?
- (b) If the Gordon Wilson Flats were substantially altered or demolished, would the McLean Flats continue to be eligible for inclusion in the district plan?
- (c) If the McLean Flats are eligible for listing in their own right, then would individual listings simplify future consenting processes? And would it simplify future assessments of environmental effects?

42. To make a decision on whether to include the McLean Flats as a separate heritage item in SCHED3, the Council requires further research and assessment to understand the significance of the McLean Flats as a separate entity from the Gordon Wilson Flats. There is currently insufficient information in the HNZPT report to carry out this assessment.

*What is the Officer response to the suggestion, in conjunction with the case presented in relation to 241 Tinakori Road, that the listing for 121 Hill Street should be deleted?*

43. The HHAE report assessed 121 Hill Street as status “2” “Contributes to the values of the heritage area” and I agree with this assessment. As such 121 Hill Street should continue to be included in the Ascot Street Heritage Area as a “contributing building”.

*In relation to 28 Robieson Street, what weight should be given to the NZIA Award given that the exterior (at least) of the architecture in question does not appear to be ‘enduring’ very*

well?

44. The NZIA Enduring Architecture Award forms part of the evidence that the place has significant social and architectural values.
45. The HHE report assessment gives weight to the award (along with the various articles published on the house, and its inclusion in books on Modernism in New Zealand) as evidence that the place is held in high public esteem – particularly by the architectural community.
46. My understanding is that the word “enduring” by the NZIA is intended to reflect that the award is awarded after 25-years for “for buildings whose design has stood the test of time”.<sup>2</sup>

***In relation to the definition of ‘maintenance and repair’:***

*Do Officers have any suggestions as to how the situation should be addressed where the existing surfacing is not water tight because of a defective design/design specification?*

47. For a building to serve a useful function, they need to provide a warm, dry, and healthy environment for their occupants. Ensuring that a place is watertight is basic conservation practice, as is the intention to do as much work as is necessary, but as little as possible to remediate issues. This requirement is one of the requirements of the ICOMOS NZ Charter for conservation.

**DEFECTIVE DESIGN/DESIGN SPECIFICATION**

48. It is useful to consider - what is defective design/specification? In my view there are a few ways to define defective design:
  - (a) Works that have not met the current requirements of the Building Code for durability – these are 15-years for external roofing and wall cladding, and 50-years for structure (with some exceptions); and

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<sup>2</sup> [Resene NZIA Awards](#)



- (b) Building products that are used in ways that did not meet the manufacturer's specifications at the time of construction, and where the work did not meet the external moisture and durability requirements of the building code.
- 49. Noting that heritage buildings that are over 50-years old have met and exceeded the design life of new buildings under the current Building Code requirements.

## **REPAIR AND MAINTENANCE**

- 50. The first way to remediate surfaces that are not water-tight is to undertake maintenance and repair.
- 51. Generally, the repair and maintenance provisions of the PDP allow for the use of materials that are the same as the original or most significant fabric, or the closest equivalent that is currently available. For example, the closest equivalent of corrugated iron is likely to be a coated corrugated mild steel product (like Colorsteel) – as corrugated iron is no longer available. Similarly damaged or decayed painted native timber joinery and weatherboards, like rimu or kauri, can be repaired or replaced with painted treated pine.
- 52. More generally, the Council uses its discretion to work out whether the proposed remediation is a permitted activity (repairs and maintenance) or an alteration that requires consent.
- 53. For example, if a roofing material has been laid at a pitch of 2°, and the manufacturer of the nearest equivalent product requires a 4° pitch to meet the durability and weathertightness requirements of the Building Code, then the works to re-pitch the roof are more likely to be considered repairs and maintenance than, say, works to re-pitch the roof to 30° with a new roof cladding material.

## **ALTERATIONS**

- 54. If more significant remediation is proposed to fix a known problem – for example visible earthquake strengthening, completely re-pitching a roof to eliminate internal gutters, or the complete replacement of a cladding system on a building (beyond what is reasonably required to replace decayed or damaged fabric), then the resource consent process is the most appropriate.

For applications where the works are reasonably required, the process is (usually) straight-forward, and the resource consent fee is reimbursed.

*More generally, if a building that is scheduled or proposed to be scheduled has critical design flaws (including inappropriate materials used) that make like for like replacement or repair impractical, how far are heritage values affected (retained or lost) by the necessary replacement of original materials with substitutes that correct these flaws, to enable ongoing sustainable use? What is the consent process that is required to undertake such work, and will the policies and rules as currently worded allow for such replacement?*

55. In the first instance, this is not a common issue for heritage buildings as traditional building materials are often more durable than modern substitutes, particularly if they are well maintained – for example, native timber windows, joinery and weatherboards; brick; galvanised corrugated iron; clay or slate roofing; lead gutters; and cast iron sanitary and rainwater goods.
56. The general approach for remediating irreplaceable heritage fabric is as follows:
- (a) Step one is to consider whether the item can be retained and repaired, in whole or in part.
  - (b) Step two is to consider the minimum works required to remediate the issue, with the outcome (for buildings) that the place can have an ongoing sustainable use. The ICOMOS NZ Charter notes that conservation “requires a cautious approach of doing as much work as necessary but as little as possible”.
  - (c) Step three is to consider the replacement materials. The ICOMOS NZ Charter notes that:
    - “Traditional methods and materials should be given preference...”, and:

- “Repair of a technically higher standard than that achieved with the existing materials or construction practices may be justified only where the stability or life expectancy of the site or material is increased, where the new material is compatible with the old, and where the cultural heritage value is not diminished.

*Is the history of the Kahn Family relevant to or a required element of the history of 53 Trelissick Crescent?*

57. A brief reply is that the house is a significant and early work by architect Ernst Plischke and would be eligible for inclusion in the PDP on that basis alone.
58. The commission and ownership by Gertrud and Joachim Kahn are an important part of the history of the house and adds to its significance. This is similar to the history of other Modernist houses included in the Wellington PDP such as:
- (a) Hirschfeld House, 49 Waiapu Road, and its commission and ownership by Sigmund and Gisella Hirschfeld. Category 1 Historic Place / WCC #523
  - (b) Lang House, 81 Hatton Street, and its commission and ownership by Henry and Octavia Lang. Category 1 Historic Place / WCC #434.
  - (c) Halberstam House, 117 Campbell Street, and its commission and ownership by Martha and Hugo Halberstam. WCC #486.
  - (d) Sutch-Smith House, 79A Todman Street, and its commission and ownership by Shirley Smith and Bill Sutch. WCC #520.
  - (e) 210 Sutherland Road, and its commission and ownership by Ruby and Graham Brand. WCC #518.
  - (f) Dobson House, 61 Hankey Street, and its commission and ownership by Olive and Douglas Dobson. WCC # pending.
59. I understand that this question may arise from concerns of privacy for the Kahn family, but note that the following information is publicly available for Joachim and Gertrud Kahn:
- (a) National Library - Interview with Gertrud Kahn - [Interview with](#)

[Gertrude Kahn | Items | National Library of New Zealand | National Library of New Zealand \(natlib.govt.nz\)](#)

- (b) Ann Beaglehole, *A Small Price to Pay: Refugees from Hitler in New Zealand 1936-46*, Bridget Williams Books, ebook Dec 2015 and available on Amazon, Apple Books, Google Play, and Kobo Books [A Small Price to Pay \(bwb.co.nz\)](#)
  - (c) Joachim Kahn (correspondence) [Joachim Kahn | Items | National Library of New Zealand | National Library of New Zealand \(natlib.govt.nz\)](#)
  - (d) Getrud Kahn (correspondence) [Named correspondents - A to M | Items | National Library of New Zealand | National Library of New Zealand \(natlib.govt.nz\)](#)
  - (e) John Newton, "Allen Curnow at Joachim Kahn's", *Landfall*, Spr 2010 n 220, p.16-30. [Allen Curnow at Joachim Kahn's / by J... | Items | National Library of New Zealand | National Library of New Zealand \(natlib.govt.nz\)](#), based on the poem by Allen Curnow, *At Joachim Kahn's*.
  - (f) Tim Beaglehole, *A life of J.C. Beaglehole: New Zealand Scholar*, Victoria University Press, 2006, Wellington. [8 — Victoria University College, — Family and Friends, 1936–49 | NZETC](#)
  - (g) Biography of Getrud Lerchenthal (Kahn) [Spurensuche - Biografien - L \(datenmatrix.de\)](#)
60. While examples of journals and books that include the Kahn House are:
- (a) E.A. Plischke, "Two Houses", *Design Review*, vol 2 No. 5, Feb/Mar 1950.
  - (b) Linda Tyler. 'The Urban and Urbane: Ernst Plischke's Kahn House.' In *Zeal and Crusade: The Modern Movement in Wellington*, edited by John Wilson. Christchurch: Te Waihora Press, 1996.
  - (c) Linda Tyler, "Kahn House", *Long Live the Modern: New Zealand's New Architecture 1904-1984*, edited by Julia Gately, Auckland University Press, 2008.

- (d) August Sarnitz and Eva Ottlinger, *Ernst Plischke: Modern Architecture for the New World*, Prestel, 2004
- (e) Julia Gately and Paul Walker, *Vertical Living: The Architectural Centre and the Remaking of Wellington*, Auckland University Press, 2014.

61. The history of the Kahn family could be deleted from the Historic Heritage Evaluation if considered desirable by the Panel and the submitter. But my view is that the house and the history of Gertrud and Joachim Kahn are well documented, and the HHE report does not introduce information on the family and place that is not already in the public realm.

*What is the Officer response to the Wellington Branch NZIA critique of the Heritage Design Guide?*

62. My response is that I am unclear as to the extent to which the views raised during the hearing are those of the NZIA Wellington Branch. This is because the original submission 301 from the NZIA Wellington Branch addressed the Residential, Centres and Mixed-Use design guides, but did not include comment on the heritage design guide.

63. The presentation during the hearing was substantially the same as submission 141 that was prepared by Joanna Theodore on behalf of Foster and Melville Architects, and includes:

- Comments on heritage policies HH-P5 and HH-P7
- Heritage Design Guide
- Evidence and advocacy on behalf of Dr Keir and Ms Cutten, opposing the listing of 28 Robieson Street.

64. My understanding is that the substantive parts of the presentation related to specific resource consents undertaken by Foster and Melville, rather than general points raised by the NZIA.

*Should Heritage Design Guide Guideline 16 be qualified to relate to the situation where there is material physical evidence of an original shopfront design?*

65. I do not consider that guideline G16 should be qualified to require physical

evidence of an original shopfront design, as photographs and drawings can also provide sufficient evidence for reconstruction.

66. But, having listened to the submission by Foster and Melville Architects, and after re-reading G16 and submission 141, my view is that the guideline appears to act as a rule. My recommendation is to amend G16 so that it acts a guideline, with the following amendment:

G16. The restoration or reconstruction of ~~Restore or reconstruct~~ shopfronts is encouraged where there is evidence of original form, detailing and materials. Further non-statutory guidance is available in “Heritage shop fronts: A guide to maintaining and enhancing Wellington’s historic shops.”