

Wellington City Proposed District Plan

Hearing Stream 3 – Historic Heritage, Notable Trees, Sites and Areas of Significance to Māori

Section 42A of the Resource Management Act 1991

Document Information

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Executive Summary

1. This report considers submissions received by Wellington City Council in relation to matters of strategic or procedural importance to the Proposed Wellington City District Plan, 'Part 2 – 'Historic Heritage', 'Notable Trees', 'Sites and Areas of Significance to Māori' chapters and their related schedules.
2. There were many submissions and further submissions received on these topics and chapters of the plan. The submissions received were diverse and sought a range of outcomes. The report outlines recommendations in response to the issues that have emerged from these submissions.
3. The following are the key issues in contention:
 - a. The balance of protecting heritage while enabling growth and change;
 - b. How the heritage provisions can support resilience; and
 - c. How the Sites and Areas of Significance to Māori provisions can increase visibility of cultural narratives in the development of the city.
4. This report addresses each of these key issues, as well as any other relevant issues raised in the submissions.
5. The report includes recommendations to address matters raised in submissions as to whether the provisions in the Proposed District Plan relating to these matters should be retained as notified, amended, or deleted in full.
6. Appendix A of this report sets out the recommended changes to the chapters. These recommendations consider all of the relevant matters raised in submissions and relevant statutory and non-statutory documents.
7. Appendix B of this report details officers' recommendations on submissions, and whether those submissions should be accepted or rejected. The body of this report should be consulted for reasoning.
8. Appendix C contains the 'Heritage Issues and Options' Paper, an internal working document referenced by submitters.
9. For the reasons set out in the Section 32AA evaluation and included throughout this report, the proposed objectives and associated provisions, with the recommended amendments, are considered to be the most appropriate means to:
 - a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
 - b. Achieve the relevant objectives of the Proposed District Plan, in respect to the proposed provisions.

Interpretation

Table 1: Abbreviations

Abbreviation	Means
the Act / the RMA	Resource Management Act 1991
the Enabling Act	Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021
the Council	Wellington City Council
the ODP/ODP	Operative Wellington City District Plan
the Proposed Plan/PDP	Proposed Wellington City District Plan
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES--SDW	National Environmental Standards for Sources of Drinking Water 2007
NESTF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPS-REG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013
Spatial Plan	Spatial Plan for Wellington City 2021
S32	Section 32 of the Resource Management Act 1991
S32AA	Section 32AA of the Resource Management Act 1991

Table 2: Abbreviations of Submitters' Names

Abbreviation	Means
Argosy	Argosy Property No. 1 Limited
CentrePort	CentrePort Limited
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
Gen Zero	Generation Zero Wellington
GWRC	Greater Wellington Regional Council
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
Investore	Investore Property Limited
Kāinga Ora	Kāinga Ora Homes and Communities
Kilmarston Companies	Kilmarston Developments Limited and Kilmarston Properties Limited
KiwiRail	KiwiRail Holdings Limited
Meridian	Meridian Energy Limited
MHUD	Ministry of Housing and Urban Development
MoE	Ministry of Education
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
Powerco	Powerco Limited
Property Council	Property Council of New Zealand
Retirement Villages Association	Retirement Villages Association of New Zealand Incorporated
Southern Cross	Southern Cross Healthcare Limited
Stride	Stride Investment Management Limited
Taranaki Whānui	Taranaki Whānui ki te Upoko o te Ika a Maui
Telcos	Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone)
Transpower	Transpower New Zealand Ltd
VUWSA	Victoria University of Wellington Students' Association
Waka Kotahi	Waka Kotahi NZ Transport Agency
WCC ERG	WCC Environmental Reference Group
WELL	Wellington Electricity Lines Limited
WIAL	Wellington International Airport Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

1.0 Introduction

1.1 Purpose

1. This report is prepared under section 42A of the Resource Management Act 1991 (the **RMA**) to:
 - a. Assist the Hearings Panel in their role as Independent Commissioners in making their decisions on the submissions and further submissions on the Wellington City Proposed District Plan (the **PDP**); and
 - b. Provide submitters with information on how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

1.2 Scope

2. This report considers submissions received by the Council in relation to the following:

a) Historic heritage

- i. Objectives HH-O1 through HH-O3
- ii. Policies HH-P1 through HH-P21
- iii. Rules HH-R1 through HH-R21
- iv. Standards HH-S1 through HH-S7
- v. Heritage orders
- vi. Schedule 1 – Heritage buildings
- vii. Schedule 2 – Heritage structures
- viii. Schedule 3 – Heritage Areas
- ix. Schedule 4 – Scheduled Archaeological sites
- x. Appendix 1 – Historic Heritage Advice Notes
- xi. Heritage Design Guide
- xii. Definitions, listed below:
 - a. Reconstruction;
 - b. Restoration;
 - c. New definition – original use;
 - d. Archaeological site;
 - e. Maintenance and repair; and
 - f. Demolition.

b) Notable trees

- i. Objectives TREE-O1 through TREE-O3
- ii. Policies TREE-P1 through TREE-P7
- iii. Rules TREE-R1 through TREE-R6
- iv. Standards TREE-S1 through TREE-S4
- v. Schedule 6 – Notable trees
- vi. Definitions, listed below:
 - a. Root Protection Area;
 - b. Technician Arborist;
 - c. Tree;
 - d. Trimming and Pruning; and
 - e. Works Arborist.

c) Sites and Areas of Significance to Māori

- i. Objectives SASM-O1 through SASM-O3
 - ii. Policies SASM-P1 through SASM-P6
 - iii. Rules SASM-R1 through SASM-R6
 - iv. Schedule 7 – Sites and Areas of Significance to Māori
3. This report:
- i. Discusses general issues;
 - ii. Considers the original and further submissions received;
 - iii. Makes recommendations as to whether those submissions should be accepted or rejected; and
 - iv. Concludes with a recommendation for any consequential changes to the plan provisions or maps based on the assessment and evaluation contained in the report.
4. This report is intended to be read in conjunction with the Section 42A Overview Report, which sets out the statutory context, background information and administrative matters pertaining to the District Plan review and plan.
5. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report or may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.

1.3 Author and Qualifications

6. My full name is Adam Michael McCutcheon. I am the Acting Manager of the District Planning Team at Wellington City Council (the Council).
7. My role in preparing this report is that of an expert in planning.
8. I hold the qualifications of Master of Planning with Distinction and Bachelor of Arts (Geography) from the University of Otago. I am an Intermediate Member of the New Zealand Planning Institute and have served for three years as a member of Wellington Branch Committee.
9. I have eight years' experience in planning and resource management. I have had policy roles at the Dunedin City Council, and MfE prior to joining the Wellington City Council. In these roles I have been responsible for the development and implementation of national and local level planning policy and providing advice to Government Ministers.
10. I have been involved with the district plan review process since joining the District Planning Team in 2019. I have been involved in the development of the Spatial Plan and DDP since their initial drafting, participating in engagement and helped refine its proposals. I led Council processes to have the plan approved for notification and provided advice on amendments. I have led the drafting of new chapters for historic heritage, notable trees and sites and areas of

significance to Māori. I drafted the section 32 reports for these topics. I have assisted in the drafting and peer reviewed several chapters in the plan.

11. I was the reporting officer for the Hearings Stream 1.

1.4 Code of Conduct

12. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court effective 1 January 2023. I have complied with the Code of Conduct when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
13. Other than when I state that I am relying on the evidence or advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
14. 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.

1.5 Supporting Evidence

15. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report is as follows:
 - a) Expert evidence of Ms Moira Smith, Heritage Consultant with respect to submissions on SCHED1 – Heritage Buildings, SCHED2 – Heritage Structures, SCHED3 – Heritage Area and SCHED4 – Scheduled Archaeological Sites.
 - b) Expert evidence of Mr William Melville with respect to submissions on the Notable Trees chapter and SCHED6 - Notable Trees.
16. The expert evidence statements can be found online at: <https://wellington.govt.nz/your-council/plans-policies-and-bylaws/district-plan/proposed-district-plan/hearings-information>

1.6 Key resource management issues in contention

17. The numbers of submitters detailed in paragraph 29 made submissions on the provisions addressed in this report.
18. Having read the submissions and further submissions, I consider that the following matters are the key issues in contention in the chapter:
 - a) The balance of protecting heritage while enabling growth and change;
 - b) How the heritage provisions can support resilience; and
 - c) How the Sites and Areas of Significance to Māori provisions can increase visibility of cultural narratives in the development of the city.

1.7 Procedural Matters

19. There are not considered to be any other procedural matters to note.

2.0 Background and Statutory Considerations

2.1 Resource Management Act 1991

20. Since public notification of the plan and publishing of the related section 32 evaluation reports on 18th July 2022, the following relevant statutory considerations have changed/been introduced:

a. The Spatial Planning Bill and Natural and Built Environment Bill were introduced to Parliament and have been referred to Select Committees (14.11.2022).

i. These Bills are currently before the select committee and have no implications for the plan.

2.2 Intensification Streamlined Planning Process content

21. As detailed earlier in the section 42A Overview Report, the Council has chosen to use two plan review processes:

- a) The Intensification Streamlined Planning Process (ISPP) under Part 6 of Schedule 1 of the RMA for the intensification planning instrument (IPI). There are no appeal rights on ISPP provisions.
- b) For all other PDP provisions and content, the standard Part 1 Schedule 1 process of the RMA is used. Part 1 Schedule 1 provisions can be appealed.

22. For this topic, the following provisions were notified under the ISPP per the decision of the Pūrora āmua | Planning and Environment committee on 12 May 2022:

a) Historic heritage

- i. All objectives;
- ii. All policies, except (HH-P17 through HH-P21);
- iii. Rules HH-R1 through HH-R16, HH-R20 and HH-R21
- iv. Standards HH-S1 through HH-S4
- v. Schedule 1 – Heritage buildings (within the 'urban environment')
- vi. Schedule 2 – Heritage structures (within the 'urban environment')
- vii. Schedule 3 – Heritage Areas (within the 'urban environment')
- viii. Heritage Design Guide
- ix. Definitions required to implement the above, listed below
 - a. New definition – original use;
 - b. Maintenance and repair; and
 - c. Demolition.

2.3 Part One, Schedule One process content

23. For this topic, all provisions fall under the Part 1 Schedule 1 process.

a) Historic heritage

- i. Policies HH-P17 through HH-P21;
- ii. Rules HH-R17 through HH-R19
- iii. Standards HH-S5 through HH-S7
- iv. Heritage orders
- v. Schedule 1 – Heritage buildings (outside of the 'urban environment')
- vi. Schedule 2 – Heritage structures (outside of the 'urban environment')
- vii. Schedule 3 – Heritage Areas (outside of the 'urban environment')
- viii. Schedule 4 – Scheduled Archaeological sites
- ix. Appendix 1 – Historic Heritage Advice Notes
- x. Definitions, listed below:
 - a. Archaeological site;
 - b. Reconstruction; and
 - c. Restoration.

b) Notable trees

- i. Entire chapter
- ii. Schedule 6 – Notable trees
- iii. Definitions, listed below:
 - a. Root Protection Area;
 - b. Technician Arborist;
 - c. Tree;
 - d. Trimming and Pruning; and
 - e. Works Arborist.

c) Sites and Areas of Significance to Māori

- i. Entire chapter
- ii. Schedule 7 – Sites and Areas of Significance to Māori

2.4 Section 32AA

24. I have undertaken an evaluation of some recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) A further evaluation required under this Act—

(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and

(b) must be undertaken in accordance with section 32(1) to (4); and

(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and

(d) must—

(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or

(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.

(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).

25. The required section 32AA evaluation for changes proposed because of consideration of submissions with respect to the topics of this report is contained within the assessment of the relief sought in submissions, as required by s32AA(1)(d)(ii).
26. The Section 32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor, and consequential changes that improve the effectiveness of provisions without changing the policy approach have not been re-evaluated. Additionally, further re-evaluation has not been undertaken if the recommended amendments have not materially altered the policy approach.

2.5 Trade Competition

27. Trade competition is not considered relevant to the provisions of the PDP relating to this topic.
28. There are no known trade competition issues raised within the submissions.

3.0 Consideration of Submissions and Further Submissions

29. The following total numbers of submitters lodged submissions in respect of the chapters, appendices and schedules addressed in this report.

Chapter	Total number of submitters
Historic Heritage Chapter	73
SCHED1 – Heritage Buildings	64
SCHED2 – Heritage Structures	19
SCHED3 – Heritage Areas	51
SCHED4 – Scheduled Archaeological Sites	4
Appendix 1 – Historic Heritage Advice notes	6
Heritage Design Guide	8
Notable Trees chapter	9
SCHED6 – Notable trees	11
Sites and Areas of Significance to Māori chapter	27
SCHED7 - Sites and Areas of Significance to Māori chapter	12

3.1 Report Structure

30. Submissions on the topic raised several issues that have been grouped into the chapters and sections of the plan that they relate to within this report. Substantive commentary on primary submissions contained in further submissions has been considered as part of consideration of the primary submissions to which they relate.
31. In accordance with Clause 10(3) of the First Schedule of the RMA, the following evaluations have been undertaken for the purposes of this report:
 - a) An issues and provisions, versus submission by submission, based evaluative approach, where a large number of similar submissions have been received.
 - b) A submission-by-submission evaluative approach, where a small number of submissions have been received.
32. Further, the evaluation is organised to logically align with the layout of chapters of the plan as notified.
33. For those provisions or matters where there are numerous submission points, the evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. However, the specific recommendations on each submission / further submission point are contained in Appendix B.
34. Recommended amendments are contained in the following appendices:
 - a) Appendix A – Recommended Amendments to provisions.
 - b) Appendix B – Recommended Responses to Submissions and Further Submissions.
35. Additional information can also be obtained from the [associated Section 32 Reports](#), and the overlays and maps on the ePlan.
36. The following evaluation should be read in conjunction with the summaries of submissions and further submissions, along with the full submissions. Where there is agreement with the relief sought and the rationale for that relief, this is noted in the assessment section of the report, and the associated recommendation provided in the summary of submission table in Appendix B. Where a further evaluation of the relief sought in a submission(s) has been undertaken, the evaluation and recommendations are set out in the body of this report. A marked-up version of the provisions with recommended amendments in response to submissions is contained as Appendix A.
37. This report addresses definitions that relate to the Historic Heritage, Notable Trees and Sites and Areas of Significance to Māori Chapter specifically. The remaining definitions are addressed in the relevant section 42A report.

3.2 Format for Consideration of Submissions

38. The consideration of submissions and further submissions has been undertaken in the following format:
 - Matters raised by submitters;
 - Assessment of submission points made; and
 - Summary of corresponding recommendations.
39. Recommendations in relation to further submissions reflect the recommendations made on relevant primary submissions.
40. The recommended amendments to the relevant parts of the plan are set out in Appendix A of this report where all text changes are shown in a consolidated manner.
41. The recommended acceptance or rejection of submissions (and accordingly further submissions) is set out in Appendix B. Reasons for these recommendations is set out in the body of this report.

4.0 Historic Heritage

4.1 Historic Heritage – General Submissions

4.1.1 Matters raised by submitters

Retain as notified

42. James Coyle [307.3] supports heritage and culture as they give a sense of place and seeks that the historical and cultural values chapter is retained as notified.
43. WCC Environmental Reference Group [377.60] is generally supportive of the proposal of built and cultural heritage.

Support for other submissions

44. Cherie Jacobson [251.1] seeks that the table of specific submission points on the PDP in the Wellington Heritage Professionals group submission are supported.
45. Onslow Historical Society [FS6.1 and FS6.2] generally supports the submission from Historic Places Wellington and Mt Victoria Historical Society.
46. Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzel, Michelle Woodland and Lee Muir [FS68.59] support the submission from Wellington’s Character Charitable Trust [233].
47. Ian Atwood [FS 16.1, FS16.3 - FS16.5 and FS16.7 – FS16.9] and Sophie Kahn [FS76.4, FS76.6, FS76.7 and FS76.9] support various points of submission 415.

Protection is too great

48. Regan Dooley [239.5] seeks that the PDP is amended to reduce heritage protection to enable more intensification.

Value of heritage, and concerns the provisions are too permissive

49. Andrew Haddleton [23.1] seeks that councillors push back to protect heritage, noting that Wellington is famous for its heritage housing and appearance.
50. Wellington Heritage Professionals [412.2] consider that local and overseas research has shown that heritage contributes to positive economic, environmental, social, and cultural wellbeing outcomes.
51. Historic Places Wellington [182.8 and 182.10 (opposed by Parliamentary Service Wellington FS48.3)] considers the chapter has become too permissive and opposes it to that degree. Parliamentary Service considers this submission does not recognise that in some circumstances, a mandatory focus on conservation and preservation is not appropriate and cannot enable the sustainable long-term use of heritage buildings.
52. Murray Pillar [393.10 and 393.11 (opposed by Parliamentary Service FS48.4)] and Mike Camden [226.2] also considers that the Historic Heritage rules are very enabling, and seek it is amended to support more reuse, refurbishment and conservation.
53. Wellington Heritage Professionals [412.32 (opposed by Parliamentary Service FS48.5)] consider that the heritage policies have a focus on enabling works as opposed to enabling conservation, based on an assumption that heritage protection has prevented necessary development. They also oppose more permissive rules and consider that finite environmental values like historic heritage need discretion exercised through the resource consent process. Paul Gregory Rutherford [424.13] seeks that the provisions better recognise and provide for protection of heritage from inappropriate development and better take into account the need to maintain and enhance amenity values.
54. Cherie Jacobson [251.2] considers that heritage is given inadequate weight in the PDP, noting the heritage policies focus on enabling works as opposed to enabling conservation. The submitter also notes that there is a lack of evidence indicating that the existing heritage and character provisions in the District Plan are affecting the housing market in Wellington. Christina Mackay [478.7] seeks that Council adopts policies to promote and encourage sustainable reuse and restoration and provide evidence-based design and technical based resources.

Climate change and emissions

55. David Lee [454.2] considers there is a climate change issue to consider, noting that demolishing wooden heritage housing will release carbon into the atmosphere and that more carbon will be used in building replacements.

56. Cherie Jacobson [251.2] further notes that heritage and character can make a significant contribution to Wellington's climate change goals by reducing emissions and waste through sustainable resource use.
57. Wellington Heritage Professionals [412.3] consider heritage and character can make a significant contribution to the city's climate change goals by reducing emissions and waste through sustainable resource use and mitigating the effects of climate change through building community cohesion and resilience.

Heritage areas

58. Peter Fordyce [431.3] seeks that heritage areas be expanded, noting irreplaceable buildings and streetscapes are at risk of being lost.
59. Heritage NZ [70.1] acknowledges the differentiation between historic heritage and character precincts, even though there is some overlap with some character precincts also being identified as heritage areas, or containing heritage buildings.
60. Greater Brooklyn Residents Association Inc's [459.1] considers there to be insufficient evidence of Brooklyn suburbs character or heritage value.

Seismic strengthening

61. Historic Places Wellington [182.9] supports ongoing promotion of seismic strengthening of heritage places. VicLabour [414.22] is supportive of more flexible heritage building protections to allow for more sustainable changes to be made.

Clarification

62. Willis Bond and Company Limited [415.54] seeks greater certainty in the Historic Heritage proximity controls so that all plan users understand where heritage protections do and do not apply.
63. Taranaki Whānui ki te Upoko o te Ika [389.64] seeks that within the 'Cross references to other relevant District Plan provisions' that it is amended to include Sites and Areas of Significance to Māori chapter.

Lack of evidence

64. Wellington Heritage Professionals [412.30, 412.31 and 412.33] consider that there is a lack of evidence to support the heritage content in the PDP, including lacking a reliable evidence base, and the process has resulted in a schedule that does not adequately protect historic heritage and does not reflect what Wellingtonians value, and that historic heritage and character will be lost or altered consequently. They consider that Wellington has struggled to retain its historic heritage and continues to lose listed and unlisted heritage of national significance.
65. Wellington Heritage Professionals [412.12] consider there is a lack of evidence indicating the existing heritage and character provisions in the District Plan are affecting the housing market

in Wellington. They consider the 2019 HBA does not include analysis of the impacts of heritage and character provisions on the housing market in Wellington.

66. Wellington Heritage Professionals [412.6-412.9] consider that the lack of public consultation throughout the planning process and flawed analysis, particularly around character areas, has resulted in a schedule that does not adequately protect historic heritage nor reflect what Wellingtonian's value. They also consider that the work undertaken to review the schedule outlined in the relevant section 32 analysis report is ad hoc in nature, is not indicative of the expected methodology for a professional heritage study. Further, as submissions on the DDP also included nominations for heritage listings that have not made their way into the PDP, this also indicates a lack of public engagement.

Historic Places Wellington

67. Penny Griffith [418.5] seeks that Wellington City Council formally recognises Historic Places Wellington as an organisation with specialist knowledge and consult them on heritage policy issues.

Setbacks

68. Tim Bright [75.4] considers a setback of more than 1m should be required to allow for more of a transition zone between Heritage Areas or Character Precincts.
69. Halfway House Heritage Gardeners [203.1] seeks that all sites adjoining a scheduled historic heritage item or scheduled historic heritage site/building or Historic Reserve should be subject to the height in relation to boundary (HIRB) variation of 3 metres and 45 degrees.

Promoting sustainable re-use

70. Wellington Heritage Professionals [412.5] seek that Council continue its program of waiving resource consent fees for heritage items as an incentive to keep places in sustainable use.

Salisbury Garden Court Heritage Area bespoke provisions

71. Dean Knight and Alan Wendt [265.1-265.6] seek that different heritage zone controls apply to the Salisbury Garden Court heritage area.
- a) Specifically, the relief sought is that the controls for this area are restricted to:
- i. New buildings and structures within heritage areas (HH-P14 and HH-R13); and
 - ii. Total demolition of contributing buildings and structures (HH-P11-P13 and HH-P15, HH-R10-12 and HHR14-15).
- b) The submission also seeks that other applicable zone controls do not apply to the Salisbury Garden Court heritage area as well as controls arising from heritage area status elsewhere in the plan (eg, subdivision, earthworks, signs, infrastructure).

- c) If above amendments are not accepted, the submission seeks that Salisbury Garden Court be deleted as a heritage area within Schedule 3 of the PDP. I deal with these points collectively in section 4.13.2.3 of this report.

4.1.1.2 Assessment

72. With respect to Andrew Haddleton [23.1] I note that the submission point does not identify which provisions should be amended to achieve the relief sought and does not contain a s32AA evaluation or any reasons.
73. I do not agree with Historic Places Wellington [182.8 and 182.10 (opposed by Parliamentary Service Wellington FS48.3)] that the chapter is too permissive. While I acknowledge that some changes have been made in the notified version that are more enabling than the ODP (eg the permitted internal seismic strengthening of a heritage building) I have recommended changes in this report to alter this, which in my view help find a balance between heritage protection and addressing resilience and other outcomes the plan seeks. I note that the submitter supports seismic strengthening (182.9).
74. For these same reasons I do not agree with Wellington Heritage Professionals [412.32 (opposed by Parliamentary Service FS48.5)] and [412.34], Murray Pillar [393.10 and 393.11 (opposed by Parliamentary Service FS48.4)], Mike Camden [226.2], Cherie Jacobson [251.2] and Paul Gregory Rutherford [424.13] who consider that the plan will not adequately provide for the protection of historic heritage as a matter of national importance in the RMA.
75. In response to Peter Fordyce [431.3] and Marilyn Head [457.7], I note that new heritage areas, such as five in Mount Victoria, have been added as part of the district plan review process.
76. I have addressed Cherie Jacobson's [251.2] and David Lee [454.2] comments about emissions reductions in hearing stream 1 where I considered that at scale, these benefits are outweighed by reduced carbon emissions over the life of a more intensive use of a site and associated transport emissions reductions. I note that I do not have to hand any quantitative research to this effect.
77. I acknowledge the submission point of VicLabour [414.22] that is supportive of more flexible heritage building protections to allow for more sustainable changes to be made. I also acknowledge Willis Bond and Company Limited [416.53] who supports the historic heritage provisions in part to the extent they enable this.
78. I do not agree with Wellington Heritage Professionals [412.30, 412.31 and 412.33] that there is a lack of evidence to support the heritage content in the PDP and that the schedule does not reflect Wellington's heritage. A similar point has been made by Greater Brooklyn Residents Association Inc's [459.1]. A detailed review of the heritage provisions and schedules of the ODP was undertaken as part of the process of developing those of the PDP. This included a review of resource and building consents issued for works to heritage listed buildings and those within

heritage areas, issues and options papers, a thematic review of the heritage schedules, background reports and individualised building evaluations.

79. This body of work is extensively detailed in the [Section 32 Evaluation Report](#).
80. As has been identified by submitters, an 'Issues and Options' report was developed for historic heritage to consider potential options for changes to the ODP provisions to inform consultation on the DDP in 2020. This has been made available alongside this s42A report to provide further context to the Panel about the process that has been followed in assessing different options and the background and context to the review of the chapter. It includes commentary on the quantum of heritage buildings identified as earthquake prone (EPBs).
81. I have detailed the thematic review and prioritisation of new heritage listings below.
82. With respect to Wellington Heritage Professionals [412.5] seeking that Council continue its program of waiving resource consent fees for heritage items as an incentive to keep places in sustainable use - I understand that a continuation of this reimbursement scheme is not proposed to change.
83. In response to Penny Griffith [418.5], the recognition of Historic Places Wellington as a specialist group with heritage expertise is not a district plan or RMA matter. I acknowledge however that the Council can continue to approach and involve the group in other ways such as on the development of the Council's updated Heritage Strategy.
84. With respect to Regan Dooley [239.5], I recognise that the plan has the unenviable task of finding a balance of protecting historic heritage as a matter of national importance under the RMA while responding to challenges the city is facing with respect to housing and natural hazards to name two examples. I have recommended changes that seek to recognise the concerns of submitters that have differing views on where this balance should fall and am of the view that it is consistent with the strategic direction of the plan.
85. With respect to the submission of Tim Bright [75.4] that setbacks of more than 1m should be required to allow for more of a transition zone between Heritage Areas or Character Precincts, I note that these matters are being traversed in the Stream 2 (Residential) and Stream 4 (City Centre Zone) hearings.
86. In relation to the submission of Halfway House Heritage Gardeners [203.1], I do not consider that it would be appropriate in every circumstance for the plan to include a height in relation to boundary control of 3m + 45 degrees adjoining every scheduled building or historic reserve. Instead, I consider that this matter is better addressed by zone specific responses considering the level of built development enabled. For example, this would not be appropriate in the City Centre Zone context. The level at which these controls are set should be addressed in the zone-based hearings.

87. With respect to Willis Bond and Company Limited [415.54] who are concerned about a lack of certainty as to where heritage controls apply, I am of the view that the proposed provisions provide a necessary and sufficient degree of certainty. In particular, the rules of the Historic Heritage chapter clearly indicate that they apply only to the sites of scheduled buildings and structures (unless a smaller curtilage applies) and within the extent of heritage areas. The Introduction text also specifies this.

Thematic review and prioritisation of new heritage listings

88. One of the matters traversed in the review of the historic heritage chapter and schedules was how to approach the addition of new buildings, areas and structures to the schedules.
89. Ms Smith's expert evidence statement details this process as well and her view is that it has been robust.
90. I too was involved in the process in my role as a planner working along Ms Smith and the Council's Heritage Team. I do not want to repeat Ms Smith's evidence at length, but I do make comment on the value of this process, given that some of the nominations included in the heritage schedules because of this work have given rise to substantial and well considered submissions.
91. Ms Smith has outlined the substantial body of information and nominations for heritage listings that the Council has received over several years, to the effect that over 600 potential candidates for further research sit on a database managed by the Council's Heritage Team.
92. Given that the only way that new places can be entered onto the schedules is by way of a plan change, the opportunity to add new places from this database necessarily needed to be rationalised. This was because the Council does not have unlimited resource nor time to undertake the necessary research to develop a Heritage Evaluation Report to determine confidently whether a place meets the significance criteria in Policy 21 of the RPS for listing¹. Accordingly, in 2020 the District Plan and Heritage teams needed to establish a methodology for determining which places the resource available should be allocated to undertake detailed heritage assessments, and subsequently, engagement with owners.
93. A key principle established was that the review of listings should increase representation of those themes underrepresented in the story of Wellington's heritage. These themes are established by the 2013 Thematic Assessment of Wellingtons Heritage <https://wellington.govt.nz/-/media/arts-and-culture/heritage/files/thematic-heritage-study.pdf>.
94. To determine the representativeness of the current heritage schedules, the ODP heritage schedules were assessed against the thematic review. This piece of work has been made

¹ <https://www.gw.govt.nz/assets/Documents/2023/02/RPS-Full-Documents-Edited-December-2022-Updated.pdf>

available alongside this s42A report. It returned themes that compared to others are less represented on the heritage list.

95. A series of workshops subsequently took place with heritage experts Elizabeth Cox and Ian Bowman, where the nominations database and recent sources were rationalised to those most likely to have values worthy of undertaking further research to determine eligibility to schedule in the district plan.
96. Ms Smith has outlined in her evidence the methodology in detail, but Figure 1 below is helpful to explain the process.

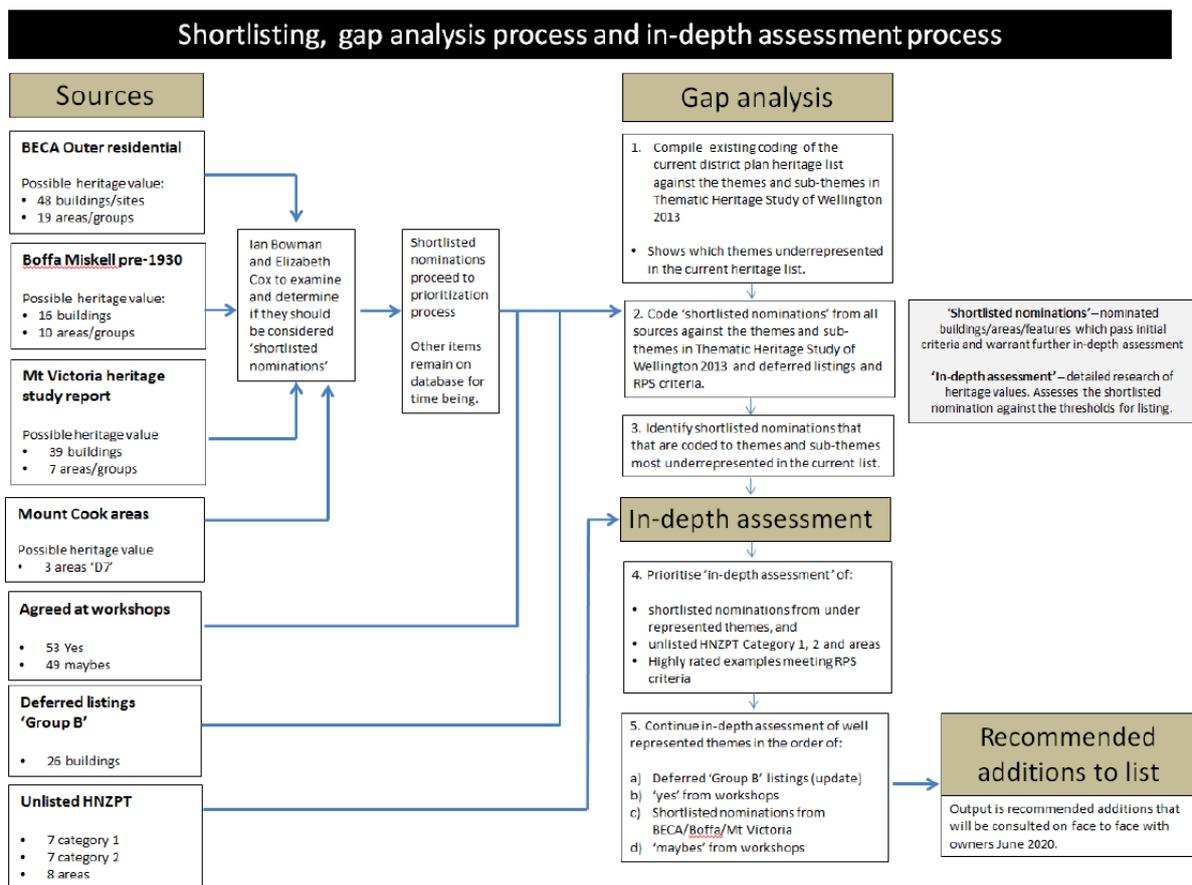


Figure 1: Heritage schedule shortlisting, gap analysis and in-depth assessment process

97. Places listed by HNZPT (but not currently included on the district plan schedules) were prioritised for in depth assessment. All other likely candidates for listing were assessed against their ability to increase representation of schedules.
98. Those with the ability to increase representation of a theme underrepresented in the story of Wellington's heritage were also prioritised for in-depth assessment.
99. Those places agreed in workshops were similarly assessed against the thematic review and those with the potential to increase representation of the list prioritised for assessment.

100. The outcome of this exercise was a set of buildings, structures, and areas which the Council committed to undertaking further research and assessment to determine whether they met the criteria for listing.
101. Following this review in November 2020, a page on the Planning for Growth website was opened with an interactive map identifying existing heritage listings and those proposed to be included for consultation in the DDP (Figure 2). The page (Figure 3) detailed the sites being considered for listing, a call for more nominations, and information about the support available for owners of heritage places.

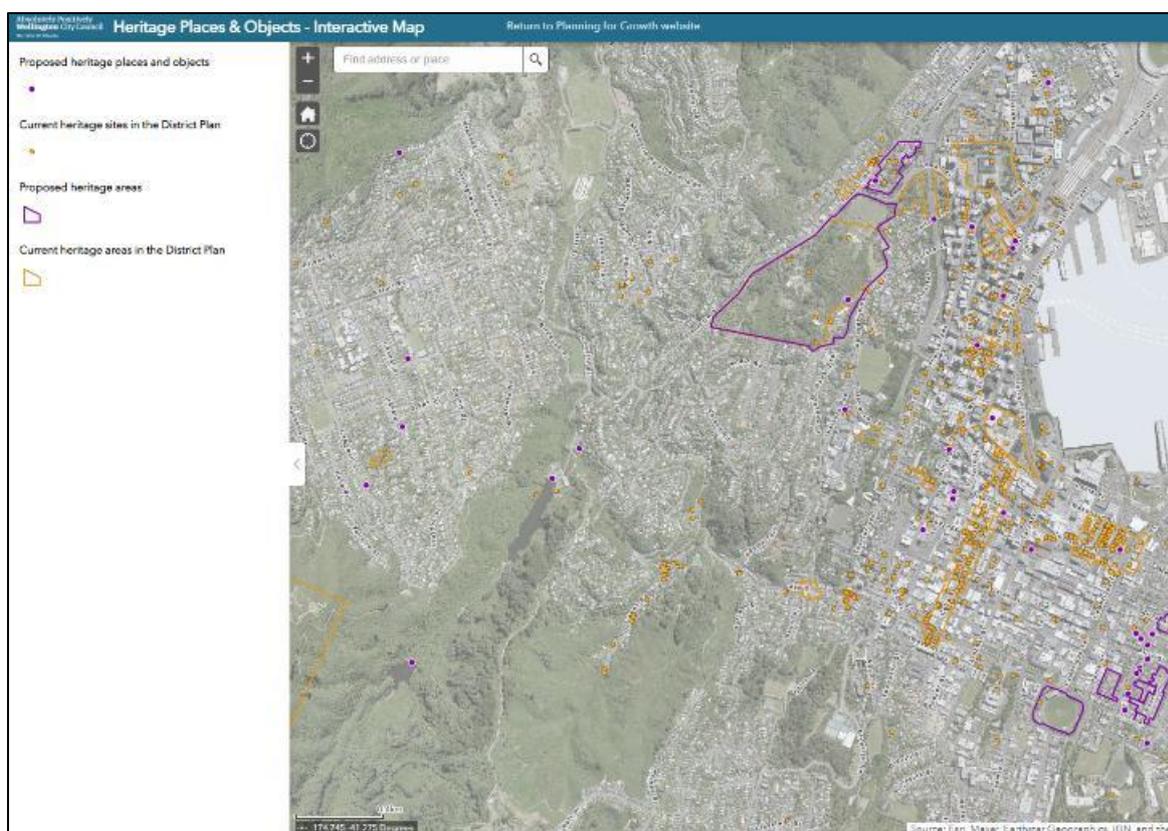


Figure 2: Interactive online map of proposed and existing heritage listings December 2020



Figure 3: Screenshot of webpage for engagement on new heritage listings

102. A link to the website can be found here: [Heritage Places and Objects \(archive.org\)](#)
103. At the same time, letters were sent to all owners welcoming the start of a discussion about the values that Council considered their property may have and what a possible heritage listing would mean. Summaries of indicative heritage values were provided for all but a few owners who received a detailed heritage evaluation. The purpose of the summary report was to provide an initial overview of the values for an owner to consider while a detailed evaluation was being undertaken. Information about support was also provided. This is the same level of engagement that the council undertook for Significant Natural Areas. See Figures 4 and 5 below.

Kia ora

We recently invited Wellingtonians to tell us what's important to them as we plan for growth and change. One of the themes that came through strongly is how much people value our city's heritage and its contribution to our identity, vibrancy and sense of place.

As the city grows and changes, taking steps to protect heritage places and objects becomes even more important, and is part of a national requirement for all councils. It is also something we can build into our District Plan which is the rulebook for how our city can grow and adapt, ensuring it's well functioning and protects the things that make it special.

We've been working with historians and architectural specialists to identify places and objects that have significant heritage values. This is so we can start talking with you, the landowner, about what you might have, and the ways that we can help you look after it.

We are writing because our work to identify and protect heritage places and objects could affect you

From what we can tell, based on our work to date, your property appears to have heritage value and may be a good candidate for scheduling in the District Plan as a heritage building. When a building is scheduled in the District Plan special consideration is given to its heritage values when modifications or demolition is proposed, and may require a resource consent.

During our consultation on the Draft District Plan next year, we will ask people for their thoughts about how to protect significant heritage places and objects, while also enabling people to use and enjoy them. We think your property should be shown on the heritage schedule at that time.

Please have a read of the document we've enclosed that explains why we think you may have something special. If there is something about the information that doesn't look quite right, or you'd like to talk, please get in touch. We'd be happy to come and have a look and a chat.

Working together

We are at the very start of the process for identifying places and objects that might have heritage value, and we're keen to hear what you think. There's opportunities to talk over the coming months and throughout the consultation period on the Draft District Plan. If your place were to join the heritage schedule there are things we can do to help – see the included information sheet.

If you have questions please give us a call on 04 499 4444 or email heritage@wcc.govt.nz. There'll also be information about the places and objects we think are special and how we can help online at planningforgrowth.wellington.govt.nz from Friday 4 December.

Kind regards

Liam Hodgetts
Chief Planning Officer

Phone 04 499 4444
Fax 04 801 3138

Rarangi wā
Timeline

November 2020 onwards
Talk and help

Mid-2021
Draft District Plan consultation

Non-statutory (informal) submissions

Mid-2022
Proposed District Plan consultation

Statutory (formal) submissions

Absolutely Positively
Wellington City Council
Me Heke Ki Pōneke

Figure 4: Letter sent to owners of proposed new heritage listings to support consultation on the DDP

Heritage Schedule Summary Report

Purpose and scope

This summary report has been prepared by Wellington City Council for the purpose of initial consultation with the owners. It includes a brief history and summary of heritage values for a place that may be eligible for addition to the District Plan heritage area, building, object or archaeology schedules.

Council considers this place to be a worthy candidate for further research and will prepare a full assessment report. The full assessment report will be internally peer-reviewed and then shared with owners for preliminary comments.

Building description

Place name or building type: Ascot Street Heritage Area

Ascot Street
2, 3, 4, 6, 7, 8, 9, 10, 11, 17, 18, 19, 20, 21, 22, 23, 24A, 24B, 25, 26, 27, 28, 29, 30, 31, 32, 33
Hill Street
111, 119, 121
Glenbervie Terrace
1, 2, 4, 6, 8, 10, 12, 13, 15, 16, 17, 19, 20, 21, 23, 31, 35, 37, 39, 41
Parliament Street
1, 2, 4, 6, 8, 9, 10, 11, 12, 13, 14 16
Sydney Street West
192, 194, 194A, 196, 200, 202, 204, 206, 210, 214
Tinakori Road
241, 243, 245, 247, 249, 251, 253, 257, 259, 261A, 263, 265, 267, 269, 271, 273A, 301, 303



Images: Wellington City Council, 2020

History

The proposal is to include the area originally identified as the “Thorndon Residential E Zone” as a heritage area in the District Plan heritage schedules. The Residential E Zone was identified in 1976. It was New Zealand's first town planning intervention designed to protect a neighbourhood of historic buildings from inappropriate redevelopment, and inspired other councils across New Zealand to introduce similar zoning schemes.

Historical summary

Ascot Street

Ascot Street was formed in the 1860s, almost certainly by 1864, when the road was extended from Sydney Street to Tinakori Road through Town Acres 518 and 516 (the latter fronting Tinakori Road). The road, very steep indeed before a cutting was made at the top, was formed by William Pickering after he bought part of Town Acre 516 in 1860. The first reference to the ‘lane’ came in 1864, when William Cooper bought a section from Pickering.

This tiny lane (known variously as Sydney Street cutting, then Karori Place and after 1928, Ascot Street) became – for about 20 years – the principal access route to Tinakori Road, and from there to Karori via Glenmore Street. It also became the favoured route for funeral processions to Bolton Street Cemetery (as it is known today). However, steep, narrow and frequently muddy, it was a difficult proposition at the best of times. With the construction of the road, houses followed, slowly at first and then with a rush in the mid-1870s. Most of the houses were in place by 1900. The last house built in the street was 22 Ascot Street, for Richard Collins, in 1953. Now known as Lilburn House, it was the home of celebrated New Zealand composer Douglas Lilburn (1915-2001).

The Ascot Street-Tinakori Road intersection may have precipitated the growth of commercial activity in the vicinity. The Karori Hotel, established in the 1860s and the first hotel in this area, was built to the south and may have even preceded the cutting. In any event, a small group of shops grew around this intersection, and further growth was spurred by the completion of the Shepherd's Arms Hotel on the corner of Ascot Terrace and Tinakori Road in 1870.

Ascot Street was eventually superseded as the main traffic route by Glenbervie Road, in 1885-86, when it was pushed through a little further to the north (where Bowen Street is today). However, the street survived and today is the centrepiece of Thorndon's collection of Victorian streets.

Ascot Street remains steep, curving and narrow (it is little more than a metre wide at its narrowest), and there are no footpaths on either side. Although cars park in the street, there is only one garage providing off-street parking, reinforcing the Victorian character of the place. The cottages are squeezed tightly onto small sections, many at odd angles to the street, close together and close to the street frontage. Some buildings are set behind others, some are high above the street with zig-zag paths, and some are off at a tangent along a path that winds around the hill to the north. There are several 1860s cottages, a mix of one and two-storey cottages from the mid-1870s, and there are a few houses from later periods (c.1900, 1920s and 1953). The group of three cottages climbing the hill at 17, 19 and 21 are very good

Initial review of heritage values		
A Historic		Significant
(i)	Themes	Y
(ii)	Events	Y
(iii)	People	Y
(iv)	Social	Y
B Social		Significant
(i)	Sentiment	Y
(ii)	Recognition	Y
(iii)	Sense of Place/ Continuity	Y
C Physical		Significant
(i)	Archaeological	Y
(ii)	Architectural	Y
(iii)	Townscape	Y
(iv)	Group	Y
(v)	Surroundings	Y
(vi)	Scientific	
(vii)	Technological	Y
(viii)	Integrity	Y
(ix)	Age	Y
D Tangata Whenua		
E Rarity		Significant
F Representativeness		Significant

Figure 5: Example of summary of heritage values provided to owners in November 2020

104. Communication with interested owners was had over the following period throughout consultation on the DDP and up until notification of the PDP, where site visits at the requests of owners were undertaken and subsequent letters sent providing completed evaluation reports. Meetings were also held with heritage interest groups as identified in the s32 evaluation report.
105. Nominations were also requested from the community of places considered to have heritage value. The webpage provided details how to submit these to Council's Heritage team, along with advice that the required research and assessment would need to be prioritised. All these nominations were considered by the Council's Heritage Team before notification of the PDP as detailed in the s32 evaluation report.
106. Responding to Taranaki Whānui ki te Upoko o te Ika [389.64], I understand the intent of the submission point to raise the profile of sites and areas of significance. I suggest though that a reference is not included as comparatively, all the other chapters referenced contain provisions that manage heritage buildings, areas or scheduled archaeological sites, whereas that is not the same relationship with the sites and areas of significance chapter.

4.1.1.3 Summary of recommendations

107. **HS3-Rec1:** That no changes are made to provisions because of the Historic Heritage – General submissions.

108. **HS3-Rec2:** That the Historic Heritage – General submissions are accepted/rejected as detailed in Appendix B.

4.2 Historic Heritage – Definitions

4.2.1 Matters raised by submitters

Reconstruction

109. Wellington Heritage Professionals [412.20 and 412.21] seeks that the definition of ‘Reconstruction’ is retained as notified.

Restoration

110. Greater Wellington Regional Council [351.46] seeks that the definition of ‘Restoration’ be amended to align with the definition in the proposed Natural Resources Regional Plan.

New definition – original use

111. Rimu Architects [318.3] consider that the current ‘ongoing use’ definition describes a continuing original use and seek that the definition be changed to ‘original use’ as follows: means keeping a building or object in the same use it was originally constructed for.

Archaeological site

112. Wellington Heritage Professionals [412.16 (opposed by Heritage NZ FS9.1)] submitted on the definition of ‘Archaeological features’ and sought that the definition of Archaeological Site be amended as follows:

~~Has the same meaning as given in the Heritage New Zealand Pouhere Taonga Act 2014 (HNZPT Act) (as set out below):~~

~~means, subject to section 42(3) of the HNZPT Act,—~~

~~a. any place in New Zealand, including any building or structure (or part of a building or structure), that—~~

~~i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and~~

~~ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and~~

~~b. includes a site for which a declaration is made under section 43(1) of the HNZPT Act.~~

Maintenance and repair

113. Wellington Heritage Professionals [412.17, 412.18, 412.19] seek amendments to include ‘demolition of a structural element’, clarity on what is meant by surface treatment and removal or replacing a single glazed clear window with a double glazed one.

Demotion

114. Kāinga Ora [391.34 (opposed by Heritage NZ FS9.2, Thorndon Residents’ Association Inc FS69.18 and Wellington’s Character Trust FS82.60)] opposes inclusion of a definition of ‘demolition’ in the plan and seeks its deletion.

4.2.1.2 Assessment

Archaeological site

115. I do not agree with Wellington Heritage Professionals [412.16] that the definition of archaeological site be amended to the effect that it removes the pre-1900 reference and references to the HNZPT Act. This submission point was opposed by Heritage NZ [FS9.1].
116. The RMA, unlike the HNZPT Act, does not provide a definition of 'archaeological site'. Most Councils who have identified archaeological sites in their district plans have relied on the HNZPT Act definition, which defines archaeological sites as those associated with pre-1900 human activity. For reasons of consistency and avoidance of unnecessary confusion I am of the opinion that reliance should be placed on the statutory definition in the HNZPT Act.
117. While I understand the submitters view that post 1900 sites can be understood by archaeological methods, removing the pre-1900 date would mean that all land, buildings and structures associated with human activity are therefore archaeological sites.
118. This, in my view, would result in an indefensible outcome whereby a site could be identified in the PDP as an archaeological site on the basis that it can be understood through archaeological methods, while at the same time lacking any form of recognition as an archaeological site under the HNZPT Act, the primary legislation through which these resources are regulated. The pre-1900 date in that legislation is well established and understood.
119. I note that the HNZPT Act does allow post 1900 sites to be declared archaeological sites under s43(1), addressing a void that existed in the preceding heritage legislation. However, this mechanism deals with such sites as an exception, rather than a rule.
120. I also note that post 1900 sites can still be managed by other historic heritage provisions (eg heritage areas) which is the case for the Wrights Hill Fortress (#19) and Fort Balance (#6) listed in SCHED3 - Heritage Areas.

Ongoing use

121. I agree with Rimu Architects [318.3] that given the term 'ongoing use' includes mention of the use it was 'originally constructed for' that renaming the term to 'original use' is a logical amendment.

Restoration and reconstruction

122. I have considered two options for addressing the submission points of Greater Wellington Regional Council [351.46]. One option could be to rename the term to 'heritage restoration' or like to avoid confusion with the PNRP term. I do not consider aligning with the PNRP term is appropriate as it is more focussed on the natural versus built environment. Similarly adding a prefix to the definition of 'reconstruction' could assist.

123. My preferred option however is to instead delete both the definitions of ‘restoration’ and ‘reconstruction’.
124. The defined terms while contained in the definitions chapter are not actually used in the Historic Heritage chapter. On that basis the definitions are unnecessary and have no clear utility.
125. I note however that the words are used in a plain English sense in other chapters (eg natural environment) of the PDP and are currently incorrectly ‘tagged’ with the heritage focussed definition. Should a definition be considered appropriate in these other contexts, the matter will be addressed in subsequent s42A reports.

Maintenance and repair

126. With respect to Wellington Heritage Professionals submission [412.17, 412.18, 412.19]:

Structural elements

- a) I am unclear as to the exact intent of the submission points, but if it is to trigger resource consent for demolition of structural elements internal to buildings, I do not support it. Under the PDP most buildings are listed with respect to their exteriors only. The convention applied in most district plans is that blanket controls over building interiors could have the unintended consequence of deterring the adaptive reuse of listed buildings and limiting sustainable long term uses. Given this, only those buildings with exceptionally intact or highly significant interiors have internal listings.
- b) Internal works (except for new floors levels) are permitted activities where interiors are not also scheduled. Demolition of structural elements internal to buildings (such as walls to reconfigure spaces) might be necessary to achieve the objectives of ensuring sustainable long term use.
- c) Where works affect the exterior of a building and are not within the scope of the definition of ‘maintenance and repair’ a resource consent is required as an addition/alteration. Accordingly, I do not consider it necessary to specify ‘demolition of structural elements’ in this regard.

Surface treatment

- d) With respect to providing clarity on ‘surface treatment’ – I understand this to be a catch all to the more specific criteria further listed within the definition such as painting fabric that is not currently painted. Recladding wooden weatherboards with aluminium weatherboards would be another example. I suggest that the word ‘including’ be added to the definition to increase clarity.

Double glazing

- e) Windows are a common source of heat and energy loss. There is a continuum of works both internal and external to buildings that can reduce energy and heat loss. These include using

thermal curtains, secondary glazing (internal double glazing), retrofit double glazing and full window replacement. Modern glazing technology can vastly improve energy efficiency supporting the city's emissions reductions goals and increase the quality of living environments.

- f) I agree that treating the replacement of a single clear pane of glass with a double glazed one (including modifications to fabric) as a permitted activity is a change from the ODP where it is treated as a restricted discretionary activity.
- g) However, the proposed definition of maintenance and repair has been drafted to be tighter in scope such that it would only apply to clear glass (not stained or decorative) and not allow for changes to be made to the original material the window is constructed of (ie not wooden to aluminium). If the modifications were to stray into affecting these features, this would trigger the alterations rule and require resource consent.
- h) I recognise and agree with the submitter's concerns that there is the potential for adverse effects on heritage values as a permitted activity. I foresee that this could occur in the absence of oversight by Council's heritage advisors on the extent of modifications considered necessary to insert a double glazed pane, methods used and experience of person undertaking the works. I temper this acceptance of the submitters concern by noting my view that compared to other works to the exterior of buildings, replacing clear panes of glass would have relatively low material effect on the heritage values of a place.
- i) I note the submitter's preference that a resource consent be required, although a preferred activity status has not been requested.
- j) The balance that needs to be found is one of achieving the strategic direction of the plan which supports moves to increase sustainability and respond to climate change while at the same time ensuring a sustainable long term use and protecting the values of heritage buildings.
- k) In light of this I am of the view that removal of clause (h) from the definition of 'maintenance and repair' and inclusion of a new controlled activity rule in the PDP would be an appropriate measure to address replacement of an existing clear single glazed windowpane with a clear double glazed pane.
- l) I suggest that this activity also be extended to triple glazing as I expect as technology and building practice evolves over the life of the plan this will become a more affordable and desirable option. I would also recommend that this activity be non-notified, as this is typically the approach applied to activities with an established and understood extent of effects.
- m) Given that the rule would stem from the definition of maintenance and repair which is part of a rule that has been notified under the ISPP, this new rule would accordingly also be a provision to be determined under that process.

- n) While this does not remove a barrier to property owners of having to apply for a resource consent and accordingly interact with council to undertake works that improve living and building conditions, it does signal that in principle the activity is appropriate and will be granted subject to a resource consent assessment which presents the opportunity to place conditions to manage effects on heritage values.
- o) I note that these works are likely to be eligible for resource consent fee reimbursement (up to \$2000) and assistance from the Council’s Heritage Resilience and Regeneration Fund (HRRF).
- p) I have considered whether the activity could be permitted subject to conditions regarding the suitable qualifications of individuals undertaking such works but note that there currently appears to be the absence of a recognised qualification or body to verify this area of workmanship.
- q) I have also considered the ODP status quo, but a controlled activity status is on balance my recommended option given that this would appropriately manage heritage values by ensuring oversight through a resource consent process which must be granted and enabling property owners to improve their properties.
- r) I note that secondary glazing (on the inside of windows) and maintenance and improvement of seals around windows would remain permitted and an option to increase energy efficiency without the need for a resource consent.

Demolition

127. I do not agree with Kāinga Ora [391.34 (opposed by Heritage NZ FS9.2, Thorndon Residents’ Association Inc FS69.18 and Wellington’s Character Trust FS82.60)] to delete the definition of ‘demolition’. This is a commonly used definition and rule trigger that is applied across plans throughout the country to assess effects on heritage values.

4.2.1.3 Summary of recommendations

128. **HS3-Rec3:** That the definitions of ‘restoration’ and ‘reconstruction’ be deleted.

<p>RESTORATION means an alteration to return a place to a known earlier form, by reassembly and reinstatement, and/or by removal of elements that detract from its heritage value.</p>
<p>RECONSTRUCTION means modifications to rebuild a building or structure as closely as possible to a documented earlier form, using new materials.</p>

129. **HS3-Rec4:** That the definition of ‘archaeological site’ be confirmed as notified.

130. **HS3-Rec5:** That the definition of ‘ongoing use’ be renamed to ‘original use’ and minor grammatical amendments made the text of the definition.

ONGOING ORIGINAL USE

Means ~~the use which keeping~~ a building or object ~~in the same use it~~ was originally constructed for.

131. **HS3-Rec6:** That the definition of ‘maintenance and repair’ be amended as set out below.

MAINTENANCE AND REPAIR	<p>means</p> <ul style="list-style-type: none"> a. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric; and b. regular and on-going protective care of a building or structure to prevent deterioration. <p>(For the purposes of the HH-Historic heritage chapter) In addition to the above, maintenance and repair of built heritage must not result in any of the following:</p> <ul style="list-style-type: none"> a. Changes to the existing surface treatment of fabric, <u>including</u>: <ul style="list-style-type: none"> <u>i.</u> b. Painting of any previously unpainted surface; <u>ii.</u> c. Rendering of any previously unrendered surface; b. Changes to the design, texture, or form of the fabric; c. Use of materials other than those the same as the original or most significant fabric, or the closest equivalent; d. The affixing of scaffolding to unless the work is reasonably required for health and safety; e. The damage of fabric from the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting; f. The modification, removal or replacement of windows (all joinery, including frames, sashes, sills, casements, mullions, glazing bars, <u>window panes</u>), except; <ul style="list-style-type: none"> i. modifications as necessary to replace an existing clear single glazed window pane with a clear double glazed pane. <p>.....</p>
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132. **HS3-Rec7:** That a controlled activity status for modifications as necessary to replace an existing clear single glazed windowpane with a clear double or triple glazed pane for both heritage buildings and contributing buildings within heritage areas.

133. **HS3-Rec8:** That submissions are accepted/rejected as detailed in Appendix B.

4.2.1.4 Section 32AA Evaluation

134. I have undertaken a s32AA evaluation for the modification of the definition of ‘maintenance and repair’ and the related creation of a controlled activity status rule for the replacement of an existing clear single glazed windowpane with a clear double or triple glazed pane. This is because my recommendations have altered the policy approach.

135. In my opinion, these amendments are more efficient and effective to achieve the objectives of the PDP than the notified provisions. In particular, I consider that:

- a) They will achieve a better balance with the notified strategic objectives of the plan which seek to both protect heritage values while supporting places to have a sustainable long term use and a reduction in carbon emissions;
- b) They are not inconsistent with the notified objectives of the PDP;
- c) When coupled with the non-regulatory support options available to owners, will not create an unreasonable regulatory framework for people to modify homes and buildings to increase energy efficiency and improve living environments; and
- d) There remain permitted options available, such as secondary glazing which can be undertaken without resource consent.

136. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing PDP Evaluation Report, are below. The effects are loosely grouped into four categories for convenience, but have some category overlap.

Environmental	<p>There are unlikely to be any environmental costs compared to the notified provisions, rather positive effects given that the works remain enabled using a controlled activity status, ensuring works can be undertaken to support healthy living environments.</p> <p>It is considered unlikely that the shift to a controlled activity status will incentivise owners to pursue full replacement of windows instead, resulting in the loss of heritage fabric.</p>
Economic	<p>Compared to the notified proposal the recommended approach will result in additional cost to undertake the work. These costs are likely to be in the realm of \$2,145 should the minimum deposit fee for a non-notified resource consent be exhausted.</p> <p>These costs will fall on owners of buildings.</p> <p>These costs may be offset through funding through the HRRF or resource consent fee reimbursement when supported on heritage grounds and accordingly become cost neutral.</p>
Social	<p>There are unlikely to be any social costs compared to the notified proposal.</p>
Cultural	<p>These effects are likely to be more positive than the notified proposal as with the oversight of Council’s Heritage Advisors through the resource consent process, the extent of modifications and methods used to undertake the work can be controlled to be more compatible with the heritage values of the place than the notified proposal.</p>

	<p>These benefits will be received by the community at large.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p>
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4.3 Historic Heritage – Chapter Introduction

4.3.1 Matters raised by submitters

Retain as notified

137. Argosy Property No. 1 Limited [383.31 (supported by Parliamentary Service FS48.1)] supports the Introduction as notified in relation to ‘reuse’.

Amend

138. Heritage NZ [(70.13 70.14 (supported by Onslow Historical Society FS6.3, FS6.4 and Historic Places Wellington Inc FS111.2, FS111.3))] considers that where the Historic Heritage Chapter refers to APP1, an additional note is included that ‘APP1 also contains reference to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 which protect all archaeological sites’.
139. Wellington City Council [266.71] seeks amendment to the Historic Heritage introduction to mention the recognised heritage values of buildings.
140. Wellington Heritage Professionals [412.35-412.39] seeks several amendments to the introduction chapter. These include:
- a) Reference to partial demolition be deleted as they consider it is captured by ‘alterations’ [412.35];
 - b) Clarity of the reference to ‘continuity of buildings and structures’ as it relates to Heritage Areas in the introduction of the chapter [412.36];
 - c) That the section on ‘sustainable long term use’ in the introduction should explicitly allow for stabilisation and mothballing [412.37] (opposed by Parliamentary Service FS48.6);
 - d) Amending the description of heritage areas in the introduction to ensure they are protected to the same degree as individual buildings in heritage areas [412.38]; and
 - e) Amending the ‘cross references to other relevant district plan provisions’ note so scheduled archaeological sites are not referenced and managed by earthworks provisions [412.39].
141. Kāinga Ora [391.163 and 391.164] seeks amendments to clarify throughout the chapter when objectives, policies, rules and standards apply to: scheduled heritage buildings; non-scheduled heritage buildings considered to be contributing; and non-scheduled buildings that are non-heritage.

142. Parliamentary Service [375.1 and 375.2] generally supports the Historic Heritage introduction and seeks that the 'Sustainable long-term use' paragraph includes text that acknowledges that it is important to ensure that built heritage can continue to be used in a practicable and functional way.

4.3.1.2 Assessment

143. I accept the submission points Heritage NZ [(70.13 70.14 (supported by Onslow Historical Society FS6.3, FS6.4 and Historic Places Wellington Inc FS111.2, FS111.3)], to add additional text identifying that the appendix also references the Heritage New Zealand Pouhere Taonga Act 2014, as I consider they helpfully increase visibility of related statutory requirements.

144. I accept the submission point of Wellington City Council [266.71] as it provides greater clarity concerning what the historic heritage provisions are trying to manage.

145. I accept in part Kāinga Ora [391.163 and 391.164] which will have the effect of providing greater clarity of the relationship between the status of a building and the provisions. I recommend that additional text be added to the introduction to the chapter and content reordered to achieve this.

146. With respect to Wellington Heritage Professionals [412.35-412.39]:

- a) [412.35] I do not agree that references to partial demolition should be removed. While partial demolition is technically captured under the higher level term 'alteration', for clarity I consider that the reference is required to help distinguish it from total demolition, which is the complete destruction of a building. I also note that the term is commonly used in district plans and is commonly referred to in resource consents.
- b) [412.36] I agree with the submitter that heritage areas do not always have a 'continuity' of buildings and structures and are interspersed with non-heritage and buildings and structures that do not contribute to the values of the areas. Accordingly, 'continuity' should be removed from the introductory text.
- c) [412.37(FS48.6)] I do not agree that 'stabilisation' and 'mothballing' should be included in the introductory paragraph for sustainable long-term use. In my opinion, the focus of sustainable long term use provisions in the PDP is to focus on keeping heritage places in a use (whether that be the original use or a new one) and to contribute to a well-functioning urban environment. This, in turn, is at odds with the proposition of leaving a building vacant for an indeterminate period. Buildings that are left vacant are more likely to become the object of demolition by neglect – an outcome that the submitter is wanting to deter. The introduction does not infer that if there is no current use that demolition is the only other option. By contrast the corresponding total demolition rule lists a range of options to be worked through before determining that demolition is reasonable, including seismic strengthening.

- d) [412.38] I do not agree that contributing buildings in heritage areas should be treated the same as individually scheduled buildings. I understand the view expressed by the submitter given that the ODP states that *'Because of their contribution to the value of the heritage area the contributor buildings warrant the same treatment and control as listed heritage items in terms of building demolition, and the design of additions and alterations'*.
- e) However, there has long been confusion from plan users and resource consent planners alike as to how this can be consistent with the policy rationale for heritage areas, being that a series of buildings with similar heritage values can all be of the same significance as individually scheduled buildings. Instead, they vary on a continuum of significance.
- f) The present situation is further complicated by the assessment criteria 21B.2.1.6 in the ODP for heritage area works, which states that *'For modifications, alterations and additions the Council will have regard to relevant assessment criteria under Rule 21A.2.1'*. (The referenced rule is the relevant rule for modifications to a scheduled heritage building, with assessment focussed on the values of the individually scheduled building).
- g) The focus of an assessment of a resource consent for works to a contributing building as notified in the PDP is on the impact of works on the values of the heritage area *as a whole*, not solely on the building itself. Council's Heritage Area Assessments identify that contributing buildings each make varied levels of contribution to the area overall, some to a high degree, others less so. The assessments are also undertaken at a higher level of detail with respect to each contributing building than those for individually scheduled buildings. Given this I do not agree that it can be the case that contributing buildings have a similar status to scheduled heritage buildings.
- h) [412.39] I agree with the submitter that the cross reference to the earthworks chapter with respect to scheduled archaeological sites should be removed, particularly as there is no rule in the EW-Earthworks chapter as this activity is adequately addressed by rule *HH-R18 'Modification of a scheduled archaeological site, including earthworks within the mapped extent'*.

147. With respect to Parliamentary Service [375.1 and 375.2] I consider that an amendment could be made to the introduction highlighting that compatible additions and alterations can facilitate sustainable long term use and support functionality. This would add further clarity that additions and alterations can also be undertaken to make a building function in a different way than originally constructed to support a change in use

4.3.1.3 Summary of recommendations

148. **HS3-Rec9:** That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

.....APP1 – Historic Heritage Advice Notes contains useful information on assessing effects on heritage values and the different ways in which historic heritage is addressed by regulation and

advocacy. APP1 also contains reference to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 which protect all archaeological sites.

149. **HS3-Rec10:** That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

One of the best ways to protect the recognised heritage values of built heritage is to ensure that it remains in a sustainable ~~long-term~~ long-term use.

150. **HS3-Rec11:** That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

1. **Heritage buildings and heritage structures** – These are individual buildings and structures that have been assessed as having significant heritage values. The exterior of most heritage buildings and heritage structures are protected in their entirety (including roofs). Some heritage buildings only have specific features protected, such as façades. A smaller number have their interiors or interior features protected.

For the avoidance of doubt:

- a) Works to any heritage building or heritage structure that is also located within a heritage area will be assessed against the provisions for heritage buildings and structures and not the heritage area provisions.
- b) Regardless, any related ~~However,~~ the resource consent assessment will also consider the values of the heritage area, including the relative contribution of building height to those values and the extent of compliance with any height standard.
- c) Works to any heritage building or heritage structure (where only specific features are protected) that is also located in a heritage area (and the work also affects those parts of the building not specifically scheduled) will be assessed against the heritage area provisions.; ~~and~~

SCHED1 and SCHED2 identifies heritage buildings and heritage structures.

2. **Heritage areas** – These are areas that contain a concentration ~~and continuity~~ of buildings and structures with similar heritage values. ~~Heritage areas contain contributing buildings and structures which have not been listed in SCHED1-Heritage buildings or SCHED2-Heritage Structures but have significant heritage value which~~ when considered as a collection have significant heritage value. ‘Contributing buildings and structures’ are those which support the heritage values of the area. ~~Scheduled Heritage buildings and heritage structures may be located within heritage areas, as~~ can **B**uildings and **S**tructures that do not contribute to the heritage values of the area, ~~and are identified as non-heritage in SCHED3 - Heritage Areas. Demolition rules do not apply to non-heritage buildings and structures.~~

For the avoidance of doubt:

- ~~a. Works to any heritage building or heritage structure that is also located within a heritage area will be assessed against the provisions for heritage buildings and structures and not the heritage area provisions;~~
 - ~~i. However, the resource consent assessment will also consider the values of the heritage area, including the relative contribution of building height to those values and the extent of compliance with any height standard;~~
- ~~b. Works to any heritage building or heritage structure (where only specific features are protected) that is also located in a heritage area (and the work also affects those parts of the building not specifically scheduled) will be assessed against the heritage area provisions; and~~
- e. Works to buildings and structures located adjacent to a heritage area, but not within, are not assessed against the provisions of this chapter.

SCHED3 identifies heritage areas.

151. **HS3-Rec12:** That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

Heritage areas – These are areas that contain a concentration ~~and continuity~~ of buildings and structures with similar heritage values

152. **HS3-Rec13:** That the ‘cross references to other relevant district plan provisions’ text of the Historic Heritage chapter be amended as detailed below and in Appendix A.

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide chapters also contain provisions that may be relevant, including:

- **Subdivision** - The Subdivision Chapter contains provisions which manage subdivision of land including the sites of heritage buildings and heritage structures, within heritage areas and the extent of scheduled archaeological sites.
- **Earthworks** - The Earthworks Chapter manages the adverse effects of earthworks including on the sites of heritage buildings and heritage structures, within heritage areas. ~~and the extent of scheduled archaeological sites.~~
- **Signs** - The signs chapter manages signs on heritage buildings, heritage structures and their sites, within heritage areas and the extent of scheduled archaeological sites.
- **Infrastructure - Other overlays** – The Infrastructure chapter manages the effects of infrastructure on heritage buildings, heritage structures and their sites, within heritage areas and the extent of scheduled archaeological sites.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.

153. **HS3-Rec14:** That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

....Both the original ongoing-use and any future reuse can be a sustainable long term use for built heritage and can be facilitated by compatible additions and alterations and/or carefully done partial demolition to support its ongoing functionality.....

154. **HS3-Rec15:** That submissions are accepted/rejected as detailed in Appendix B.

4.4 Historic Heritage – New provisions sought

4.4.1 Matters raised by submitters

Facadism

155. Historic Places Wellington [182.11] opposes facadism as an outcome for heritage buildings and seeks that a new policy or rule be added to make it clear that only in exceptional instances will facadism be appropriate, and only if consistent with ICOMOS guidelines.

Stained glass

156. Mike Camden [226.3], Murray Pillar [393.12], Peter Fordyce [431.4 and 431.5] and Historic Places Wellington [182.12] seeks amendment for protection for stained and decorative heritage glass windows in Heritage Buildings. Historic Places Wellington and Wellington’s Character Charitable Trust [233.12] seeks that the removal of heritage decorative or stained glass be a restricted discretionary activity. Rachel Underwood [458.3] considers heritage rules should be drafted to enable more conservation rather than permissive development, and considers details should be included such as stained and decorative heritage glass windows in heritage listed buildings.

Wellbeing

157. Paul Gregory Rutherford [424.12] seeks that a new objective be included that reflects the positive contributions heritage, character, quality design and the ability to read stories in the urban landscape make to overall wellbeing.

Incentives

158. Paul Burnaby [44.1] [44.3] seeks that the Council provide heritage incentives to encourage the appropriate recognition and protection of places of historic heritage value. Examples of incentives include enabling transferable development rights, and providing a fast-track process for proposed development where a Conservation Plan has been prepared and provided for a historic heritage place, and where the Conservation Plan has been used to guide the proposed development.

Demolition by neglect

159. Historic Places Wellington [182.13 (supported by Heritage NZ FS9.11, opposed by The Retirement Villages Association of New Zealand FS126.70 and Ryman Healthcare Limited FS128.70)] and Christina Mackay [478.8] seeks a new policy to avoid “demolition by neglect”.

Shading and curtilage

160. Historic Places Wellington [182.14 (supported by Onslow Historical Society FS6.30, opposed by Kāinga Ora FS89.77, The Retirement Villages Association of New Zealand FS126.71 and Ryman Healthcare Limited FS128.71)] seeks the inclusion of bulk and shading controls at, and near to the boundaries of sites adjoining heritage listed sites where special height and design controls apply to protect context and the curtilage of heritage listed buildings.

161. Willis Bond and Company Limited [416.55 and 416.56 (supported by Parliamentary Service FS48.2)] seeks a new objective (or similar) to clearly identify historic heritage, providing certainty on the extent of protection and to recognise the importance of achieving a balance between heritage protection and enabling new development.

Demolition controls

162. Historic Places Wellington [182.15-182.16 (opposed by Kāinga Ora FS89.78-FS89.79)] seeks that a 'heritage demolition control' be added that applies to all areas identified by the pre-1930s character area review as 'Primary', 'Contributory' or 'omitted' and Heritage NZ's submission on the Draft Spatial Plan.

Identify heritage in the inner suburbs

163. Wellington's Character Charitable Trust [233.11 (supported by Thorndon Residents' Association Inc FS69.90)] seeks that a provision is added requiring a process of specific heritage identification and assessment of heritage values to be undertaken for all buildings in the inner city suburbs.

Non-listed features

164. Argosy Property No. 1 Limited [FS383.32 (supported by The Retirement Villages Association of New Zealand FS126.10 and Ryman Healthcare Limited FS128.10)] considers there should be an additional rule clarifying that additions, alterations and demolition of non-listed heritage features of scheduled heritage buildings and heritage structures be permitted.

Earthworks

165. Greater Wellington Regional Council [351.15] considers the earthworks, historic heritage and Sites and Areas of Significance to Māori chapters should recognise the potential for accidental discovery of archaeological sites and wahi tapu and require appropriate consents to include an accidental discovery protocol.

4.4.1.2 Assessment

166. I do not agree with Historic Places Wellington [182.11] that a new policy or rule be added to make it clear that only in exceptional instances will facadism be appropriate, and only if consistent with ICOMOS guidelines. I agree with the submitter however that when poorly executed, facadism can have a detrimental effect on heritage values. To counter this I am of the opinion that HH-P7, supplemented by guideline G37 of the Heritage Design Guide, provides direction about the nature and extent of works proposed where demolition is sought behind the façade of a scheduled building.
167. With respect to Mike Camden [226.3], Murray Pillar [393.12], Peter Fordyce [431.4 and 431.5], Historic Places Wellington [182.12], Wellington's Character Charitable Trust [233.12] Rachel Underwood [458.3] who variously seek amendments to protect stained and decorative glass, I do not agree with the amendments sought. In particular, I note that works to remove or change stained and decorative glass would be considered as an 'alteration' as opposed to 'maintenance

and repair' under the Historic Heritage rules and treated as a Restricted Discretionary activity requiring resource consent. For convenience I have copied the notified definition below and have highlighted clauses why this would not be permitted and accordingly trigger the rules for alterations.

MAINTENANCE AND REPAIR

DEFINITION

means

- a. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric; and
- b. regular and on-going protective care of a building or structure to prevent deterioration.

(For the purposes of the HH-Historic heritage chapter)

In addition to the above, maintenance and repair of built heritage must not result in any of the following:

- a. Changes to the existing surface treatment of fabric;
- b. Painting of any previously unpainted surface;
- c. Rendering of any previously unrendered surface;
- d. Changes to the design, texture, or form of the fabric;
- e. Use of materials other than those the same as the original or most significant fabric, or the closest equivalent.
- f. The affixing of scaffolding to unless the work is reasonably required for health and safety;
- g. The damage of fabric from the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting;
- h. The modification, removal or replacement of windows (all joinery, including frames, sashes, sills, casements, mullions, glazing bars), except;
 - i. modifications as necessary to replace an existing clear single glazed window pane with a clear double glazed pane.

168. I do not agree with Paul Gregory Rutherford [424.12] that a new objective be included that reflects the positive contributions heritage, character, quality design and the ability to read stories in the urban landscape make to overall wellbeing. I consider that these matters are already sufficiently addressed in the Strategic Direction Chapters – Capital City, Historic Heritage and Sites and Areas of Significance and Urban Form and Development Chapters.

169. With respect to Paul Burnaby [44.1] [44.3], I note that there are already established incentives and support available to owners of heritage buildings, including:

- a) Information and advice;
- b) Resource consent fee reimbursement up to \$2500;
- c) Rates remissions when seismic strengthening is undertaken; and
- d) Heritage Resilience and Regeneration Fund.

170. I am also of the opinion that there is not a need for these to be specifically identified or required in the PDP as they are essentially non-regulatory measures whose scope is largely governed by the extent of funding separately appropriated through the Long Term and Annual Plan processes under the LGA.

171. Further, although there is no transferrable developments rights system in the PDP, I note that in some cases, the city outcomes contribution may be triggered for some developments relating to heritage buildings.
172. Further On the matter of “demolition by neglect” (Historic Places Wellington [182.13 (supported by Heritage NZ FS9.11, opposed by The Retirement Villages Association of New Zealand FS126.70 and Ryman Healthcare Limited FS128.70)] and Christina Mackay [478.8]), I certainly recognise the concerns of the submitter.
173. The matter of ‘demolition by neglect’ is a difficult issue which district plans under the RMA have been limited and largely ineffective in their ability to manage given the absence of adequate primary or secondary regulatory direction. Buildings may be left ‘neglected’ or have maintenance or strengthening deferred for a variety of reasons. At one end of the spectrum this could be due to limited or no funds or capital lending available to remedy (particularly for small business or individual owners), or limited capability or knowledge to take on a project. At the other end of the spectrum is strategic land banking.
174. As is outlined in the [s32 report for this topic](#) the Council cannot compel owners of any building to maintain a building other than where compliance is required with a building warrant of fitness (eg cable cars, sprinkler systems), or when a building is deemed dangerous, affected or insanitary under s124 of the Building Act. The Council can also issue an earthquake-prone building notice to building owners requiring seismic work within certain time limits determined by the Building Act. It is assumed that the buildings the submitter refers do not need to comply with BWoF requirements because they have not been updated for modern use. The district plan is largely limited in scope to having a function of enabling maintenance and repair to occur (should owners wish to do it). It would be an unreasonable burden on Council and owners, and of questionable legality, to require general maintenance and repair of buildings through a district plan.
175. Most councils use their abilities to influence owners to undertake works on their buildings to avoid demolition by neglect through mechanisms outside of the district plan such as case/relationship management, funding incentives (such as Wellington City Council’s Heritage Resilience and Regeneration Fund (HRRF)) and, where necessary, using powers under the Building Act to undertake strengthening. Unhelpfully there is currently no national direction under the RMA to help councils navigate their way through this problem.
176. With respect to the submission of Historic Places Wellington [182.13] I consider that including a blanket policy to not consider the current state of a building and why works may have been deferred is not reasonable given the range of reasons that a building may be in a deteriorated state (such as the inability of owners to be lent money to undertake works). To me the question is not whether the building owner should have done maintenance, but whether the question of retaining a building should be influenced by considering the situation not just at the time of

resource consent application, but considering the money saved by the deferred works over the past years of ownership.

177. Accordingly, I consider that acknowledging the deferral of maintenance and repair (and an assessment of the financial savings that an owner may have accrued through deferral) and providing direction to consider the reasons why this has occurred within the policy assessment of total demolition to be a more effective approach. This would enable consideration of the reasons why a building may be in the state that it is.
178. With respect to Historic Places Wellington [182.14 (supported by Onslow Historical Society FS6.30, opposed by Kāinga Ora FS89.77, The Retirement Villages Association of New Zealand FS126.71 and Ryman Healthcare Limited FS128.71)], as there are either height in relation to boundary standards (eg HRZ-S3(3)) or policy direction (eg (CCZ-P9) in relation to effects on heritage values, dominance, shading and privacy) in relevant zone chapters, I am of the opinion that inclusion of further bulk and location controls in the Historic Heritage chapter would result in interpretatively confusing and unnecessary duplication.
179. I do not agree with Historic Places Wellington [182.15-182.16 (opposed by Kāinga Ora FS89.78-FS89.79)] regarding the addition of a 'heritage demolition control' applicable to all areas identified by the pre-1930s character area review as 'Primary', 'Contributory' or 'omitted' as well as those properties identified in Heritage NZ's submission on the Draft Spatial Plan. In particular, I note that the submission is devoid of any compelling reason/s or supporting section 32AA evaluation demonstrating why the quantum of these areas would meet the significance criteria in Policy 21 of the RPS. In this regard what is also of note is the recommendation in the Stream 2 Character Area s42A report that the spatial extent of these areas could be extended if the Panel reaches a view that this is a reasonable and justifiable response.
180. With respect to Wellington's Character Charitable Trust [233.11 (supported by Thorndon Residents' Association Inc FS69.90)] I do not consider that a provision should be added requiring specific identification and assessment of the heritage values of all buildings in the inner-city suburbs. Adding new heritage buildings, structures and areas to the schedules requires a plan change process, with its citywide application directed by HH-P1. Furthermore, the effectiveness and efficiency of undertaking a comprehensive assessment of all inner suburb buildings is highly questionable given the quantum of additional buildings that are likely to satisfy the RPS significance criteria is likely to be very low relative to those within these suburbs that are already scheduled in the PDP.
181. I do not agree with Argosy Property No. 1 Limited [FS383.32], The Retirement Villages Association of New Zealand FS126.10 and Ryman Healthcare Limited FS128.10] that there needs to be an additional rule specifying that additions, alterations and demolition of non-listed heritage features of scheduled heritage buildings and heritage structures be permitted. I consider this rule is unnecessary and would add complexity to the chapter. Instead, to achieve the intent of the submission I recommend that the wording of the definition of 'Heritage

Building’ is amended to specifically include reference to ‘scheduled features’. I consider that this would constitute a more efficient and effective response compared to a separate rule.

182. I do not consider that any amendments are necessary in response to the Willis Bond and Company Limited submission points [416.55 and 416.56 (supported by Parliamentary Service FS48.2)]. The extent of protection required is identified in the relevant schedule as well as any specific curtilage requirements for small buildings on large sites. Specific curtilage requirements are also shown on the planning maps. Furthermore, positioning historic heritage within the broader strategic context of the PDP is already adequately dealt with in the Strategic Direction Chapters.

183. With respect to Greater Wellington Regional Council [351.15], I consider that there are already sufficient references to the Accidental discovery protocol (in Appendix 1 of the PDP) in the Earthworks and Historic Heritage chapters but accept that a similar reference could be made in the Sites and Areas of Significance to Māori chapter for greater clarity and consistency. The placement of a notice on a resource consent is a matter for the resource consent process, and also standard practice.

4.4.1.3 Summary of recommendations

184. **HS3-Rec16:** That the definition of ‘heritage building’ be amended to clarify that in cases where the entire external building envelope is not protected, that it applies only to listed part of buildings as detailed below.

HERITAGE BUILDING	a building <u>or protected parts of a building</u> identified in SCHED1 - Heritage Buildings.
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185. **HS3-Rec17:** That the policy for total demolition of heritage buildings and heritage structures be amended as detailed below and in Appendix A.

<p>Total demolition of heritage buildings and heritage structures</p> <p>Avoid the total demolition of heritage buildings and heritage structures unless it can be demonstrated that there are no reasonable alternatives to total demolition, including:</p> <ol style="list-style-type: none"> 1. Maintenance and repair, <u>including the extent to which it has been regularly undertaken;</u> 2. Seismic strengthening; 3. Additions, alterations or partial demolition, including to enable reuse; 4. Repositioning; and 5. Relocation.

186. **HS3-Rec18:** That the introduction to the Sites and Areas of Significance to Māori chapter be amended as follows:

<p>.....While some sites are historical sites, others are living spaces and contemporary sites that require treatment based on the current use and development of ‘here and now’. Marae</p>

are structures that represent living cultural significance to iwi and Māori and to our city. These important structures represent historical whakapapa and oral history and their purpose is sacred and important as the centre of traditional, ritual, and community activities. Marae have a high cultural value as the centre of iwi activities, and function to sustain iwi practices of everyday life. The Marae is the physical representation of Māoritanga and represents belonging which is of high significance. As such, the District Plan includes Marae as sites of significance and enables their ongoing use and development and the establishment of new Marae.

[Heritage New Zealand Pouhere Taonga is responsible for issuing an archaeological authority for any earthworks that may affect an archaeological site \(refer to Appendix 1 for more information\)](#)

187. **HS3-Rec19:** That submissions are accepted/rejected as detailed in Appendix B.

4.4.1.4 Section 32AA Evaluation

188. I have undertaken a s32AA evaluation for the modification of the policy addressing the demolition of heritage buildings and structures to include overt consideration of the extent to which maintenance or repair may have been deferred, and corresponding amendments to the information requirements in the relevant rule. This is because my recommendations have somewhat altered the policy approach.

189. In my opinion, these amendments are more efficient and effective in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a) They will assist to reduce the attractiveness of intentionally neglecting or deferring maintenance on a heritage building with a view to using any increased remediated costs as a reason why demolition is a reasonable outcome;
- b) They are not inconsistent with the notified objectives of the PDP which seek that historic heritage be retained, resilient and in a sustainable long term use;
- c) In the absence of any concrete direction from central government on this matter, the approach is precautionary without being unreasonably demanding on building owners and resource consent applicants.

190. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing plan Evaluation Report, are below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	There are unlikely to be any environmental costs compared to the notified provisions, and more likely positive effects should the amendments be effective in encouraging maintenance and upkeep of heritage places.
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Economic	<p>Compared to the notified proposal the recommended approach will not result in additional economic costs other than a direction to keep records on maintenance.</p> <p>These minimal additional costs (if any) will fall on owners of buildings.</p>
Social	<p>There are unlikely to be any social costs compared to the notified proposal.</p> <p>There may be social benefits should the information requirements and additional policy direction be effective in encouraging maintenance and upkeep as places are more likely to have a sustainable long term use, enabling the community to interact with them.</p>
Cultural	<p>Should the information requirements and additional policy direction be effective, there are likely to be more positive cultural effects than the notified proposal through increased maintenance and repair from building owners.</p> <p>These improvements will benefit the wider community.</p> <p>Compared to the notified proposal, no cultural costs have been identified.</p>

4.5 Historic Heritage – Objectives

4.5.1 Objective - HH-O1: Recognising Historic Heritage

4.5.1.1 Matters raised by submitters

Retain as notified

191. Several submitters, including the Wellington City Council Environmental Reference Group [377.61], Argosy Property No. 1 Limited [383.33], Lucy Harper and Roger Pemberton [401.4] and Willis Bond and Company Limited [416.57] seek that HH-O1 is retained as notified.

Amend

192. Wellington Heritage Professionals [412.40] seeks a minor amendment as follows: ‘Historic heritage is recognised...’

4.5.1.2 Assessment

193. I acknowledge support for the retention of HH-O1 and agree with the minor grammatical amendment requested by the Wellington Heritage Professionals [412.40].

4.5.1.3 Summary of recommendations

194. **HS3-Rec20:** That HH-O1 be amended as detailed below and in Appendix A.

Historic heritage **is** recognised for its contribution to an understanding and appreciation of the history, culture and sense of place of Wellington City, the Wellington region and New Zealand.

195. **HS3-Rec21:** That submissions on HH-O1 are accepted/rejected as per Appendix B.

4.5.2 HH-O2: Protecting Historic Heritage

4.5.2.1 Matters raised by submitters

196. Several submitters, including the Wellington City Council Environmental Reference Group [377.62], Argosy Property No. 1 Limited [383.34], Lucy Harper and Roger Pemberton [401.5] and Willis Bond and Company Limited [416.58] seek that HH-O2 is retained as notified.

4.5.2.2 Assessment

197. No further assessment is required.

4.5.2.3 Summary of recommendations

198. **HS3-Rec22:** That HH-O2 be confirmed as notified.

199. **HS3-Rec23:** That submissions on HH-O2 are accepted/rejected as per Appendix B.

4.5.3 HH-O3: Sustainable long-term use

4.5.3.1 Matters raised by submitters

200. Several submitters, including Wellington City Council Environmental Reference Group [377.63], Argosy Property No. 1 Limited [383.35 (supported by Parliamentary Service FS48.7)], Lucy Harper and Roger Pemberton [401.6] and Willis Bond and Company Limited [416.59] seek that HH-O3 is retained as notified.

201. Parliamentary Service [375.3-375.4] generally supports HH-O3 but submits that the objective needs to more clearly recognise the need to ensure heritage buildings can continue to be used in a practical way.

202. Wellington Heritage Professionals [412.41 (opposed by Parliamentary Service FS48.8)] are concerned that this objective could lead to unnecessary demolition of built heritage where current circumstances do not allow for sustainable use.

203. Anna Kemble Welch [434.6] considers that the Newtown Shopping Centre includes a small number of Historic Buildings of significance and supports retaining these as closely as feasible to their historic presence.

4.5.3.2 Assessment

204. I have considered the Parliamentary Service's submissions points [375.3, 375.4] and have concluded that 'practicality' is a key consideration regarding the sustainable long term use of heritage buildings. Put another way I consider it is a reason why additions and alterations might be undertaken to ensure an ongoing sustainable use. I have recommended changes to the

introduction of the chapter to recognise the submitters concerns about the lack of recognition of ‘functionality’. In light of this I consider that the proposed objective offers a balanced position between the relief sought by Parliamentary Service and the Wellington Heritage Professionals (who seek removal of sustainable long term use altogether).

205. I do not necessarily agree that having an objective of ensuring places have a use will, by extension, lead to their unnecessary demolition. The related heritage policies place a tough test on demolition, including demonstration that no reasonable alternatives exist. In particular, the policies require that a series of alternatives must be comprehensively considered and ruled out prior to exercising the option of demolition, with these spanning from maintenance, alterations to change of use, and relocation. I consider that the range of alternatives which need to be convincingly exhausted to satisfy the requirements to totally demolish a building will appropriately eliminate options for present and future use.

4.5.3.3 Summary of recommendations

206. **HS3-Rec24:** That HH-O3 is retained as notified.
207. **HS3-Rec25:** That submissions on HH-O3 are accepted/rejected as per Appendix B.

4.6 Historic Heritage – Policies

4.6.1 HH-P1: Identifying historic heritage

4.6.1.1 Matters raised by submitters

208. Lucy Harper and Roger Pemberton [401.7] seeks that HH-P1 is retained as notified.
209. Wellington City Council Environmental Reference Group [377.64] is generally supportive but considers more emphasis on Māori heritage is needed to align with section 6 of the RMA.
210. Taranaki Whānui ki te Upoko o te Ika [389.66] considers it appropriate to amend to include objectives, policies, rules and standards to minimise impact of earthworks or developments on cultural value to Taranaki Whānui and requests a focus on HH-P1.

4.6.1.2 Assessment

211. I have considered the request of the WCC ERG, but am of the view that caution needs to be exercised in amending this policy given it was originally proffered by mana whenua. However, I do consider there is merit in addressing the ERGs submission in the related policy in the SASM chapter, as this is a better fit for sites and areas of significance.
212. I have looked for ways to incorporate Taranaki Whānui’s [389.66] submission point into HH-P1 but have come to the conclusion that it is better addressed within the SASM chapter (eg SASM-P5) and the EW chapter.

4.6.1.3 Summary of recommendations

213. **HS3-Rec26:** That HH-P1 is retained as notified.

214. **HS3-Rec27:** That submissions on HH-P1 are accepted/rejected as per Appendix B.

4.6.2 HH-P2: Maintenance and repair

4.6.2.1 Matters raised by submitters

215. Several submitters, including the Wellington City Council Environmental Reference Group [377.65], Argosy Property No. 1 Limited [383.36] and Lucy Harper and Roger Pemberton [401.8] seek that HH-P2 is retained as notified.

4.6.2.2 Assessment

216. No further assessment is required.

4.6.2.3 Summary of recommendations

217. **HS3-Rec28:** That the policy addressing 'Maintenance and repair' is confirmed as notified.

218. **HS3-Rec29:** That submissions on HH-P2 are accepted/rejected as per Appendix B.

4.6.3 HH-P3: Internal works

4.6.3.1 Matters raised by submitters

219. Submitters, including Fire and Emergency New Zealand [273.90], Lucy Harper and Roger Pemberton [401.9] and Wellington City Council Environmental Reference Group [377.66] seek that HH-P3 is retained as notified.

220. Argosy Property No.1 Limited [383.37] opposes heritage controls on new floor levels where only the exterior of a heritage building is scheduled and seeks that HH-P3 is deleted.

221. Wellington Heritage Professionals [412.42-412.43] seek that HH-P3 is rewritten with a focus on conservation, as per the ICOMOS New Zealand Charter. They also [412.44 (supported by Heritage NZ FS9.12)] seek amendment to HH-P3 to deter structural strengthening that is visible from the exterior of buildings.

222. Relatedly, Wellington Heritage Professionals [412.55] seek that non-heritage buildings in heritage areas are subject to restrictions on internal works noting that visible strengthening is likely to have adverse effects on heritage areas.

4.6.3.2 Assessment

223. Fundamentally it appears that I am dealing with submissions seeking opposing relief regarding whether internal building works should be highly regulated or not. On the one hand Wellington Heritage Professionals seek that both internal seismic strengthening and new floor levels require resource consent, whereas Argosy seek that neither do.

224. I acknowledge that the ODP takes the former approach whereby internal seismic strengthening and new floor levels visible from the exterior of a building are managed as a restricted discretionary activity for heritage buildings. Inversely, it treats all internal works within heritage areas as a permitted activity.

225. By contrast the PDP as notified assigns permitted activity status to internal seismic strengthening of heritage buildings and structures on the basis that it reflects and supports resilience outcomes sought by the PDP. Although the status for new floor levels within heritage buildings has not changed in the notified PDP it has been extended to require resource consent for buildings within heritage areas.
226. Wellington Heritage Professionals point to the following examples of where, in their view, internal seismic strengthening has had negative effects on heritage values (pg 19 of their submission and copied as figure 6 and 7 below).



Figure 6:195 Cuba street, scheduled heritage building in a heritage area



Figure 7:23 Taranaki Street, scheduled heritage building

227. I accept, particularly in the case of the proffered 195 Cuba Street example, that the strengthening is particularly visible from the exterior at street level.
228. I also accept that engagement with council’s resource consent and heritage advisors may help ensure that internal seismic strengthening can be designed in a way that achieves better heritage outcomes. This could include, for example, reducing the number of structural elements across main frontages for new proposals.
229. I have compared the plans submitted and granted with respect to 195 Cuba street and note in this case that the outcome achieved was reinstating a low wall to hide the bottom of existing K-Braces.
230. I acknowledge that the Wellington Heritage Professionals hold the view that visible seismic strengthening has adverse effects on heritage values – I assume this is because of the visibility of new material which might contrast with that of the existing building or that would distract from architectural features which would otherwise be appreciated by passers-by.
231. However, an alternative view is that the visibility of seismic strengthening contributes to the evolving story of a building’s heritage, demonstrating change over time, being responsive to resilience pressures and new building standards and contributing to its long term viability. Visibility of bracing elements could perhaps also be considered reassuring to some.
232. I note that monitoring of building and resource consents for works to heritage buildings undertaken show that typical seismic strengthening works are not commonly undertaken without related additions and alterations; typically to increase floor area for lettable space or as part of works to help achieve a sustainable long term use. In light of this it would appear that the proposed permitted activity status is unlikely to have the widespread impact noted by the submitter as such works will typically be bundled with other related works requiring resource

consent. Furthermore, building consents are always required, which necessarily involve entering a regulatory process with the Council.

233. On balance though I consider that internal seismic strengthening should be changed to a controlled activity for heritage buildings, while remaining permitted for buildings in heritage areas (the ODP approach for the latter). I consider that this would send a clear signal to the market that the PDP seeks to ensure that heritage buildings are an attractive proposition for regeneration, strengthening and reuse, while at the same time managing heritage values. Put another way, it would give certainty to developers and building owners that works for internal strengthening are supported in principle and will be granted consent pending refinements negotiated through the consent process. This option would also, in my view, offer a means to balance the contrasting nature of the relief sought by submitters while still being consistent with the strategic direction of the PDP.
234. I also note that the heritage design guide provides additional guidance on how internal works can be undertaken in ways sensitive to heritage values.
235. As a result of these recommended amendments I do not consider that a change is needed to HH-P3 and consider that the policy is appropriate as drafted. Rather, amendments to the related rules and standards are required to implement this recommendation.
236. Relatedly, with respect to Argosy Property No.1 Limited [383.37] and new floor levels, I consider that a middle ground could be achieved with The Heritage Professionals through use of controlled activity status for new floor levels visible from the outside for heritage buildings, with such works permitted in heritage areas (the ODP approach for the latter).
237. As works undertaken to support reuse are similar in effect to internal seismic strengthening visible from the exterior, I am of the view that they should be managed using a similar rule framework. To my knowledge it is typically warehouse and commercial buildings with large windows that will be most likely to have new floor levels visible (Either by mezzanine or complete new levels). See the example of Shed 21, Waterloo Quay in Figure 8 below.



Figure 8: Shed 21, Waterloo Quay

238. Depending on the intended use, a developer may choose to retain large ceiling heights or increase floor area through adding mezzanines or additional floors. In the Shed 21 example mezzanine floors are visible from the exterior of the building, a design outcome I assume was informed by the generous ceiling heights and the need to configure the interior of the building to achieve a certain number of units from the development to make it viable.
239. I am of the view that rather than restricted discretionary status (and the possibility that works to support reuse might be declined), that a controlled activity status represents a more balanced approach. This would retain the ability for refinements to be made to proposals through a resource consent process via clearly identified matters of control while providing certainty of approval to building owners/developers. As I have commented for seismic strengthening, it is unlikely that works to a building will be undertaken without triggering the rules for alterations or any engagement with Council through the building consent process. In these situations, the bundling of relevant rules would likely result in the works being treated as a restricted discretionary activity.
240. With respect to my recommendations for heritage areas, I consider that given the assessment of impacts of works to buildings in heritage areas is on the values of the area itself (as discussed in my assessment of submissions on the chapter introduction in paragraph 146(g) that internal works are unlikely to result in unacceptable adverse effects. As such I consider that internal works should be treated as a permitted activity within these areas. I note that this recommendation would require amendment to HH-P3, as well as the related standard.
241. I agree with the Wellington Heritage Professionals that the PDP should address ‘temporary works’, noting that these are referenced in guideline G38 of the Heritage Design Guide. Temporary works are described in general terms in the design guide as temporary solutions to

secure damaged buildings or parts of buildings until more permanent works can be undertaken. I also consider that this encompasses invasive seismic investigation.

242. I would recommend that temporary works (inclusive of invasive seismic investigation) be included in the PDP as a permitted activity as, depending on the context, such works may need to be undertaken quickly and could be unnecessarily delayed by a resource consent requirement. Controlled activity status was considered as an alternative but on balance I am of the opinion that permitted activity status is more appropriate given the typically urgent nature of such works. The design guide continues to provide advice on how temporary works can be undertaken with less impact on heritage fabric. I have also considered whether standards should be included such as on temporary work timeframes, but consider that this is most effectively addressed through officer discretion and working with owners in a non-regulatory context. I have not included a definition of temporary works (nor of invasive seismic investigation), but would recommend the Wellington Heritage Professionals to suggest wording should the Panel consider this beneficial.
243. With respect to language on the use of ‘works’ – I have considered changing this to reflect the ICOMOS approach to conservation suggested by the Wellington Heritage Professionals. I consider that the use of the term ‘works’ more concisely reflects that the district plan regulates a range of different practical activities (eg modifications, alterations, partial demolition, relocation). I accept though the intent of a hierarchy of interventions spanning from those involving a low to higher degree of intervention. I consider however that this is reflected in the PDP through the more enabling and supported planning settings for low intervention work, and more restrictive and directive settings for high intervention works.
244. To assist the Panel in understanding the change of activity statuses for the works addressed in the assessment above, the table below shows the relative approach of the ODP, notified PDP and my subsequent recommendations.

Activity	ODP	Notified PDP	Recommendation
Heritage buildings			
Internal seismic strengthening visible from the exterior	Restricted discretionary	Permitted	Controlled
New floor levels and walls visible from the exterior	Restricted discretionary	Restricted discretionary	Controlled
Temporary works and invasive seismic investigation	? potentially an RD exterior alteration.	? potentially an RD exterior alteration.	Permitted
Alterations to scheduled internal features	Restricted discretionary	Restricted discretionary	Restricted discretionary
Heritage areas			
Contributing buildings - Internal seismic strengthening visible from the exterior	Permitted	Permitted	Permitted
Contributing buildings – New floor levels and walls visible from the exterior	Permitted	Restricted discretionary	Permitted
Non heritage - all internal works	Permitted	Permitted	Permitted
Temporary works and invasive seismic investigation	? potentially an RD exterior alteration.	? potentially an RD exterior alteration.	Permitted

4.6.3.3 Summary of recommendations

245. **HS3-Rec30:** That internal seismic strengthening visible from the exterior of a heritage building is a controlled activity, from a permitted activity. This is achieved through drafting of a new rule.
246. **HS3-Rec31:** That new floor levels and walls visible from the exterior of a heritage building is changed to a controlled activity from a restricted discretionary activity. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.
247. **HS3-Rec32:** That new internal floor levels and walls visible from the exterior of contributing buildings in a heritage area is changed to a permitted activity from a restricted discretionary activity, which has the effect that all internal works to all buildings in heritage areas are permitted. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.

248. **HS3-Rec33:** That the policy on ‘internal works’ is amended to focus on heritage buildings and reflect the recommendation to apply a controlled activity status except for when internal features are protected as set out below and detailed in Appendix A

<p>HH-P3</p> <p>HH-P4</p>	<p>Internal works</p> <p>Enable Control works internal to <u>heritage buildings, including any built heritage, interiors or interior features that are specifically scheduled.</u>; or:</p> <p>1. The works involve interiors or interior features which are specifically scheduled; or</p> <p>2. New floor levels that will be visible from the exterior of buildings.</p>
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249. **HS3-Rec34:** That temporary works and invasive seismic investigation are permitted activities for heritage buildings and buildings within heritage areas. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.

250. **HS3-Rec35:** That submissions on HH-P3 are accepted/rejected on HH-P3 as per Appendix B.

4.6.3.4 Section 32AA Evaluation

251. I have undertaken a s32AA evaluation because my recommendations have altered the policy approach for the policy and rule framework addressing:

- a) The change of internal seismic strengthening visible from the exterior of a heritage building to a controlled activity, from a permitted activity;
- b) The change of new internal floor levels and walls visible from the exterior of a heritage building to a controlled activity, from a restricted discretionary activity;
- c) The change of new internal floor levels and walls visible from the exterior of contributing buildings in a heritage area to a permitted activity, from a restricted discretionary activity, which has the effect that all internal works to all buildings in heritage areas are permitted; and
- d) That temporary works and invasive seismic investigation are permitted activities for heritage buildings and within heritage areas.

252. In my opinion, these amendments are more efficient and effective in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a) They will better achieve a better balance with the notified strategic objectives of the PDP which seek to both protect heritage values while supporting places to be resilient and have a sustainable long term use;
- b) When coupled with the non-regulatory support options available to owners, will not create an unreasonable regulatory framework for buildings proposed to be altered to support sustainable long term uses; and
- c) There remain permitted options available with respect to internal seismic strengthening which can be undertaken without resource consent.

253. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing PDP Evaluation Report, are assessed below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	There are unlikely to be any environmental costs compared to the notified provisions, rather positive effects will be realised by establishing a balanced regulatory framework supporting heritage places being kept in a sustainable long term use, and with improved resilience.
Economic	<p>Compared to the notified proposal, the recommended approach will require a resource consent for internal seismic strengthening. While this could be seen as a barrier to undertaking works, data shows that most often works to strengthen and adapt buildings trigger resource consent requirements for additions and alterations as part of broader redevelopment of buildings. Therefore, the change will not always result in a resource consent being required where it would not otherwise be.</p> <p>These costs will fall on owners of buildings.</p> <p>Considering temporary works and invasive seismic investigation, there is an economic benefit in creating regulatory certainty that these activities do not require resource consent, whereas under the notified proposal they might.</p> <p>Permitting all internal works within heritage areas will also have positive economic benefits in terms of reduced resource consent costs for building owners.</p>
Social	<p>There is unlikely to be any additional social cost compared to the notified proposal.</p> <p>There may be social benefits should the information requirements and additional policy direction be effective in encouraging maintenance and upkeep as places are more likely to have a sustainable long term use, enabling the community to interact with them.</p>
Cultural	The recommended proposal will better achieve a balance with the notified strategic objectives of the PDP which seek to both protect heritage values while supporting places to be resilient and have a sustainable long term use. In absence of consenting requirements for internal seismic strengthening in heritage buildings, there could be adverse effects on heritage values.

	<p>Oversight through the resource consent process will help ensure compatible design responses through the placement and visual appearance of internal works, while providing certainty that resource consent will be granted.</p> <p>Compared to the notified proposal, the only cultural costs that have been identified is the possibility that internal works in heritage areas are undertaken in ways that detract from their values. When assessed at a heritage area wide scale, these costs are low.</p>
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4.6.4 HH-P4: Enabling approach to works

4.6.4.1 Matters raised by submitters

254. Several submitters, including Precinct Properties New Zealand Limited [139.13], Historic Places Wellington [182.17], Fire and Emergency New Zealand [273.91 (supported by Parliamentary Service FS48.10)], Wellington City Council Environmental Reference Group [377.67] and Lucy Harper and Roger Pemberton [401.10] seek that HH-P4 is retained as notified.
255. Wellington City Council [266.72 (supported by Heritage NZ FS9.13)] considers amendment necessary to enable works to built heritage that are undertaken in accordance with recognised conservation principles and methods.
256. Parliamentary Service [375.5-375.6] seeks to retain HH-P4 with an amendment to ensure the concept of ‘sustainable long-term use’ captures the need to ensure buildings are retained in a state that ensures heritage buildings can continue to be used in a practical way.
257. Argosy Property No.1 Limited [383.38 (supported by Heritage NZ FS9.14 and Parliamentary Service FS48.9)] suggests amendments to clarify that enabling a sustainable long-term use of a building includes adaptive reuse.

4.6.4.2 Assessment

258. I agree with Wellington City Council’s [266.72] amendment as this will help increase the line of sight with the permitted activity rule for maintenance and repair and reinforces the principle that works that follow best conservation practice should be looked favourably upon.
259. I have considered Argosy and the Parliamentary Services submissions and whether adding the concepts of ‘practicality/functionality’ and an overt reference to ‘reuse’ is beneficial. I consider that a reference to reuse is not necessary as the introduction to the chapter clarifies that reuse is certainly a desirable outcome where it supports a building having a sustainable long term use. There are no rules in the heritage chapter limiting uses that may take place within a building, rather it is concerned with the extent and effect of any modifications undertaken to enable them. Land uses are managed by the zone based rules.

260. Given that the majority of buildings in the city subject to the historic heritage rules are located in the highly enabling Centres and City Centre zones, I do not consider that an approach of allowing concessions to land use activity rules to enable reuse is necessary in the Historic Heritage chapter. With respect to residentially zoned heritage items, I note that resource consent would need to be sought, and amenity impacts assessed, for any reuse as required by the relevant zone rules.
261. Consistent with my recommendation for the chapter introduction and accepted recommendation of the Parliamentary service in paragraph 147 I agree that the second clause of the policy should be amended to include a reference to ‘functionality’.

4.6.4.3 Summary of recommendations

262. **HS3-Rec36:** That HH-P4 is amended as detailed below and in Appendix A.

<p>HH-P4 HH-P5</p>	<p>Enabling approach to works</p> <p>Enable works to built heritage that:</p> <ol style="list-style-type: none"> 1. Increase resilience through seismic strengthening, either in isolation or as part of additions and alterations; 2. Support providing a sustainable long-term use or the ongoing functionality of the building; 3. Are undertaken in accordance with recognised conservation principles and methods; 4. 3- Increase accessibility and support means of escape from fire; or 5. 5- Provide the opportunity to promote, enhance, recover or reveal heritage values.
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263. **HS3-Rec37:** That submissions on HH-P4 are accepted/rejected on HH-P3 as per Appendix B.

4.6.5 HH-P5: Conservation Plans

4.6.5.1 Matters raised by submitters

264. Submitters, including the Wellington City Council Environmental Reference Group [377.68], Lucy Harper and Roger Pemberton [401.11] seek that HH-P5 is retained as notified.
265. Foster + Melville Architects Limited [141.1 (opposed by Heritage NZ FS9.15 and supported by Sarah Cutten and Matthew Keir FS91.37)] considers HH-P5 should be clarified as the proposed wording is misleading and suggests text to ‘encourage the preparation of conservation plans for items of greatest significance...’.
266. Wellington Heritage Professionals [412.45] consider that this policy should be reordered as conservation planning comes after identification and before works are carried out.

4.6.5.2 Assessment

267. I have considered Foster + Melville Architects' submission point but consider it unreasonable to only target conservation plans to the most significant buildings. I note the district plan does not compel the development of conservation plans, but rather recognises them as a valuable consideration within the resource consent process for works to buildings. As this is an 'encourage' rather than 'require' policy, I consider the current wording is appropriate.
268. I agree with the Wellington Heritage Professionals submission that the policy should be sequentially reordered for the reasons stated in their submission.

4.6.5.3 Summary of recommendations

269. **HS3-Rec38:** Reorder the policies of the chapter so that the policy on 'Conservation Plans' follows the policy on identification of historic heritage.
270. **HS3-Rec39:** That submissions on HH-P5 are accepted/rejected as per Appendix B.

4.6.6 HH-P6: Removal of unreinforced masonry chimneys

4.6.6.1 Matters raised by submitters

271. Submitters, including the Wellington City Council Environmental Reference Group [377.69], Lucy Harper and Roger Pemberton [401.12] seek that HH-P6 is retained as notified.
272. Wellington Heritage Professionals [412.46] considers the PDP should be encouraging the conservation of unreinforced masonry chimneys, not enabling demolition and considers the PDP would more usefully provide a set of considerations in the heritage design guide to be used when deciding whether to allow removal of a chimney.

4.6.6.2 Assessment

273. Residential heritage buildings are generally not captured by Building Act legislation for earthquake strengthening. Despite this, residential heritage buildings can have features, such as chimneys, that may pose a legitimate safety risk in a seismic event. Resource consent may be required as an 'alteration' under the ODP rules to remove a chimney if the building:
- a) is heritage listed or in a heritage or character area
 - b) was built before 1930 in character areas (and the chimney is on the primary frontage).
274. Council's Heritage team often receives enquiries from building owners regarding the demolition of chimneys on scheduled heritage buildings, or on buildings in heritage areas. Since 2014 there have been at least 35 requests for advice on chimneys. Most enquiries sought general advice and have not resulted in a resource consent application. At least nine chimneys have been demolished by building owners without resource consent in the past 6-years.
275. Typically, the Council only becomes aware through neighbour complaints. Chimneys are sometimes replaced with a lightweight replica which, although it is considered by HNZPT to be a less desirable heritage outcome than repair and strengthening, may at least help retain the

aesthetic values and a degree of original fabric for some buildings. For an example of the types of works envisaged please see [Our Products — Kirkyl Limited | Engineered Steel Solutions](#) and Figure 9 below. [Our Products — Kirkyl Limited | Engineered Steel Solutions](#).

276. The Building Act was changed following the Canterbury earthquakes of 2010/2011 to simplify the repair of damaged buildings. Currently, building owners do not require a Building Consent to remove a chimney if:
- a) it is an unreinforced chimney made of brick, stone or concrete;
 - b) the building is three storeys high or less;
 - c) removing it won't have an adverse effect on the primary structure of the building;
 - d) it is not a shared joint chimney stack between two semi-detached buildings; or
 - e) it does not provide structural support to an upper floor or roof structure.
277. Although I note that there is no imperative for a district plan to align with other legislation, the status quo and absence of any recognition of the present situation in the district plan creates regulatory uncertainty for owners.
278. I have considered the Wellington Heritage Professionals submission to delete the policy (and relevant rule) in its entirety and instead rely on design guidance. On balance I am of the view that the restricted discretionary rule and policy framework provides scope for an appropriately rigorous assessment relevant to the level of significance and contribution of a chimney to the primary elevation of a building, as well as the reasonableness of retaining it in situ.
279. This is not a so much a departure from the ODP, rather the validation of a pragmatic approach to managing resource consents for chimney works already used. Examples of where works to chimneys have been consented can be found in the Heritage Design Guide.
280. Where agreement is reached to remove a chimney and it is part of the primary elevation of the building a replacement must be provided using materials derived from the chimney being removed. The intended result is that the replacement chimneys are visually indistinguishable from the original ones.
281. I have considered whether a controlled activity status would also be appropriate for this activity. Doing so would require removal of the qualifiers in the second clause of the policy that a chimney is damaged beyond reasonable repair or cannot reasonably be seismically strengthened. Such a change would in my view treat the removal of chimneys more equitably with the framework for increasing resilience that I have recommended for internal seismic strengthening.
282. I note however that such a framework has not been developed for character precincts. If it were included for built heritage, this would have the effect of making the heritage provisions more liberal than those for character precincts. If the Panel (which is shared across Streams 2 and 3) were of the mind to consider it appropriate to reopen the issue of demolition of primary features on pre-1930s buildings in character precincts with a view of exploring applying a bespoke framework for the removal of unreinforced masonry chimneys across both character

precincts and built heritage, I would be supportive of this being treated as a controlled activity. However, as submitters on Stream 2: Residential would not have had the opportunity to consider such a proposal I note that this could have natural justice implications.

4.6.6.3 Summary of recommendations

283. **HS3-Rec40:** That the policy addressing 'Removal of unreinforced masonry chimneys' is retained as notified.
284. **HS3-Rec41:** That submissions on HH-P6 are accepted/rejected per Appendix B.

4.6.7 HH-P7: Additions, alterations and partial demolition of heritage buildings and structures

4.6.7.1 Matters raised by submitters

285. Several submitters, including Precinct Properties New Zealand Limited [139.14 (supported by Parliamentary Service FS48.11)], Fire and Emergency New Zealand [273.92], Wellington City Council Environmental Reference Group [377.70] and Lucy Harper and Roger Pemberton [401.13] seek that HH-P7 is retained as notified.
286. Foster + Melville Architects Limited [141.2 (opposed by Heritage NZ FS9.16 and supported by Parliamentary Service FS48.12)] considers a successful alteration or addition is not achieved by whether the main determinants of the architectural style have been maintained and seeks that HH-P7.1.c be deleted.
287. Wellington City Council [266.73 (supported by Heritage NZ FS9.17)] considers an amendment necessary for consistency to include 'design' in HH-P7.1.d.
288. Parliamentary Service [375.7-375.8 (opposed by Heritage NZ FS9.18)] seeks inclusion in the 'having regard to' list of the viability of the building or structure with and/or without the work and for the Parliamentary Precinct, the extent to which the proposal supports the efficient, effective and safe functioning of Parliament and the Executive.
289. Argosy Property No.1 Limited [383.39 (supported by Parliamentary Service FS48.13)] suggest amendments which clarify that enabling a sustainable long-term use of a building includes adaptive reuse.
290. Kāinga Ora [391.165 (opposed by Wellington's Character Charitable Trust FS82.120) and 391.166 (opposed by Heritage NZ FS9.19, Wellington's Character Charitable Trust FS82.121, LIVE WELLington FS96.11 and Roland Sapsford FS117.11)] considers blanket reference to the extent to which work fulfils the intent of the Heritage Design Guide is unnecessary when the other clauses of the Policy provide guidance as to which specific matters need to be considered. Further, Kāinga Ora considers this Design Guide should only be used as a reference document and seeks the inclusion of 'scheduled' when referring to heritage buildings.

291. Wellington Heritage Professionals [412.47] considers the content in the policy should be reordered.

4.6.7.2 Assessment

292. I start by noting that the test to which additions, alterations and partial demolition of heritage buildings and structures are assessed is that the works are to be provided for where it *'does not detract from the identified heritage values'*.

293. The policy directs that regard be had to, in the case of HH-P7.1.a a series of considerations and the *'extent to which'* the work aligns with them.

294. The resource consent process for a given building or structure will be assessed against these criteria as relevant, including whether the relevant criteria play a significant role in the reasons for which the place is scheduled in the plan. This assessment will be unique to each building and the relevant level of acceptability or adherence to them are weighed up in the resource consent process to determine overall whether the proposal detracts from heritage values.

295. I do not agree with Foster + Melville Architects Limited [141.2 (opposed by Heritage NZ FS9.16 and supported by Parliamentary Service FS48.12)] that HH-P7.1.c be removed. Many buildings scheduled in the plan are included for their architectural merit and not being able to consider the retention of the main determinants of style or design of a proposal would remove the ability to manage these values.

296. I agree with the Wellington City Council [266.73 (supported by Heritage NZ FS9.17)] that an amendment to include *'design'* in HH-P7.1.d. is useful for reasons of consistency.

297. I have considered the Parliamentary Services requests for a new clause relevant to the parliamentary precinct only, and another to address viability. I do not consider that a specific clause relating to the Parliamentary precinct is necessary and that the policy (along with my following recommendation) provides a framework sufficient for all heritage buildings and structures including those within the Parliamentary precinct. Regarding the request for a viability clause, I consider that as an alternative including a reference to *'functionality'* alongside sustainable long term use goes some way to achieving what I have inferred to be the relief sought – that changes sometime need to be made to alter how a place functions and to support new uses.

298. With respect to Kāinga Ora 's submission points - I do not consider that renaming heritage buildings *'scheduled heritage buildings'* is necessary. The words *'heritage building'* and *'heritage structure'* are defined and clearly linked to the relevant schedules.

299. With respect to the Heritage Design guide I consider that it should be included as a statutory part of the PDP. A discussion has already been had with respect to including design guides in the PDP in the context of stream 2. I note the same panel is hearing this topic so will have had time to consider the discussion from that stream, but essentially my view is the same as that of the

Residential zones reporting officer – that a statutory design guide helps to narrow assessment and start conversations between applicants and the Councils regarding what ‘good design’ looks like. This is an approach that is currently embedded in the ODP and one that the development community is already familiar with.

300. With respect to the Wellington Heritage Professional’s submission that the clauses be reordered, I note that there is no hierarchy within it but consider that listing sustainable long term use first helps provide a clear line of sight to the objectives of this chapter and of the HHSAM strategic objectives chapter. Consequently, I do not recommend any further change for these reasons.
301. Regarding referring the ICOMOS charter as a matter of discretion (effectively incorporating it by reference), I consider it is problematic as the document can be updated at any time without reliance on normal district plan change processes, the result of which could inadvertently cause a misalignment with the settings of the district plan and thereby create confusion. I am of the opinion that a more effective option is to include relevant charter principles within the drafting of the PDP where appropriate. This has taken place, for example, in the principles of an intervention hierarchy for the different activity statuses applied to activities in the chapter.

4.6.7.3 Summary of recommendations

302. **HS3-Rec42:** That the policy for ‘Additions, alterations and partial demolition of heritage buildings and structures’ is amended as detailed below and in Appendix A.

1. The extent to which the work:
 - a. Supports the heritage building or heritage structure having a sustainable long term use and its ongoing functionality;
 - b. Promotes, enhances, recovers or reveals heritage values;
 - c. Retains the main determinants of the architectural style or design of the heritage building or heritage structure;
 - d. Is compatible with the scale, form, proportion, design and materials of the heritage building or heritage structure;

303. **HS3-Rec43:** That submissions on HH-P7 are accepted/rejected per Appendix B.

4.6.8 HH-P8: New buildings and structures, and modifications to existing non-scheduled buildings on the site of a heritage building or structure

4.6.8.1 Matters raised by submitters

304. Several submitters, including Precinct Properties New Zealand Limited [139.15], Wellington City Council Environmental Reference Group [377.71] and Lucy Harper and Roger Pemberton [401.14] seek that HH-P8 is retained as notified.

305. Wellington City Council [266.74 (supported by Heritage NZ FS9.2)] considers amendments necessary to be consistent with other provisions to include reference to ‘design’ and ‘heritage values’.
306. Kāinga Ora [391.167 (opposed by Wellington’s Character Charitable Trust FS82.122) and 391.168 (opposed by Heritage NZ FS9.21, Wellington’s Character Charitable Trust FS82.123, LIVE WELLington FS96.12-FS96.13 and Roland Sapsford FS117.12)] considers blanket reference to the extent to which work fulfils the intent of the Heritage Design Guide is considered unnecessary when the other arms of the Policy provide guidance as to which specific matters need to be considered. Kāinga Ora considers this Design Guide should only be used as a reference document and also seeks the inclusion of ‘scheduled’ when referring to heritage buildings.

4.6.8.2 Assessment

307. I agree with the Wellington City Council submission in part on the basis that it will provide better and wider scope to manage effects on heritage values. I consider that effects on heritage values are sufficiently addressed through the requirement to ‘not detract from’ them.
308. I do not agree with Kāinga Ora that the clause relating to fulfilment with the design guide be removed and using the terminology ‘scheduled heritage building’ for the reasons I have set out in paragraphs 298 and 299 above.

4.6.8.3 Summary of recommendations

309. **HS3-Rec44:** Amend the policy for ‘New buildings and structures, and modifications to existing non-scheduled buildings on the site of a heritage building or structure’ as below and in Appendix A:

(...)

1. The extent to which the work:

a. Is compatible with the scale, form, proportions, **design and** materials of the heritage building or heritage structure;

310. **HS3-Rec45:** That submissions on HH-P8 are accepted/rejected per Appendix B.

4.6.9 HH-P9: Repositioning and relocation of a heritage building or structure

4.6.9.1 Matters raised by submitters

311. Submitters, including the Wellington City Council Environmental Reference Group [377.72] and Lucy Harper and Roger Pemberton [401.15], seek that HH-P9 is retained as notified.
312. Heritage NZ [70.15 (supported by Onslow Historical Society FS6.5 and Historic Places Wellington Inc FS111.4) and 70.16 (supported by Onslow Historical Society FS6.6 and Historic Places Wellington Inc FS111.5)] considers stronger wording is needed to protect heritage values from inappropriate relocation, and relocation should be seen as a ‘last resort’ to save a building from demolition.

313. Wellington City Council [266.75 (supported by Heritage NZ FS9.22)] considers an additional point is required to only allow heritage buildings and heritage structures to be repositioned on an existing site or relocated to another site where it can be demonstrated that the repositioning or relocation work are undertaken in accordance with recognised conservation principles and methods.
314. Waka Kotahi [370.166 -370.167] generally supports HH-P9 but considers the wording should be amended to be less subjective and that there is no need for ‘considered by Council’ to be written into the policy as the Council officer or other decision maker will need to be satisfied.

4.6.9.2 Assessment

315. Firstly, in responding to these submission points I consider that separating out policy direction for repositioning from that for relocation will help increase clarity for the tests to be applied. At present combining these two activities within one policy makes it difficult to establish which considerations apply. This should be done alongside other recommendations I have made.
316. I agree with Wellington City Council [266.75] that another clause should be added requiring that repositioning and relocation be undertaken in accordance with recognised conservation principles and methods as this reflects best practice and complements those other considerations of the policy. I consider that this should be the first clause of the policy and apply to all the identified scenarios.
317. I agree with Waka Kotahi that it is inherent that a Council officer or other decision maker will need to decide on a resource consent under this policy and that it does not need to be spelt out.
318. I have considered Heritage NZ’s submission and that of Waka Kotahi with respect to situations in which relocation could be preferable, and with a view to increase certainty. I agree with the relief sought by both submitters and consider this can be achieved by further clarifying the intent of the hierarchy of interventions, that relocation should be considered as the penultimate option before total demolition. Both submitters appear to agree on this matter. I also recommend picking up Waka Kotahi’s suggestion that the term ‘practical alternatives’ be used. In this context practical alternative would be interpreted along the lines of an alternative that is available and capable of being carried out after taking into consideration cost, feasibility and logistical considerations in light of a required purpose.

4.6.9.3 Summary of recommendations

319. **HS3-Rec46:** That notified policy HH-P9 is split into two policies as detailed below and in Appendix A.

Repositioning ~~and relocation~~ of a heritage building or structure

Only allow heritage buildings and heritage structures to be repositioned on their existing site ~~or relocated to another site~~ where it can be demonstrated that:

1. It will align and be undertaken in accordance with recognised conservation principles and methods;
2. The work It is necessary to save the heritage building or heritage structure from damage or destruction from natural hazard; or
3. The work It will not detract from the identified heritage values, and the proposed siting will be appropriate; and.

~~4. In the case of For relocation, alternatives have been explored and relocation is considered by Council to be a reasonable option there are no practical alternatives to avoid total demolition.~~

Relocation of a heritage building or structure

Only allow heritage buildings and heritage structures to be relocated to another site where it can be demonstrated that:

1. It will align and be undertaken in accordance with recognised conservation principles and methods;
2. It is necessary to save the heritage building or heritage structure from damage or destruction from natural hazard; or
3. There are no practical alternatives to avoid total demolition; and
4. The proposed alternative siting will be appropriate.

320. **HS3-Rec47:** That submissions on HH-P8 are accepted/rejected per Appendix B.

4.6.9.4 Section 32AA Evaluation

321. I have undertaken a s32AA evaluation for the separation of the combined reposition and relocation policy into two, and the alteration of the policy direction with respect to relocation. This is because my recommendations have somewhat altered the policy approach.

322. In my opinion, these amendments will be more efficient and effective in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a) They will assist in clarifying the relativities of different works to heritage buildings and the potential for some to have greater effects than others (ie repositioning compared to relocation);
- b) They are consistent with the notified objectives of the PDP which seek that historic heritage be retained, resilient and in a sustainable long term use; and
- c) In the absence of any concrete direction from central government on this matter, the approach helps reinforce conservation best practice.

323. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing PDP Evaluation Report, are below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	There are unlikely to be any environmental costs compared to the notified provisions, rather positive effects by providing greater clarity
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	and certainty in the regulatory framework that positions relocation more accurately as a last resort to avoid total demolition.
Economic	Compared to the notified proposal, the recommended approach is unlikely have additional economic costs.
Social	There are unlikely to be any additional social costs or benefits compared to the notified proposal.
Cultural	<p>The recommended proposal will better achieve a balance with the notified strategic objectives of the PDP which seek to both protect heritage values while supporting places to be resilient and have a sustainable long term use. In particular the amendments provide greater clarity and certainty in the regulatory framework that positions relocation more accurately as a last resort to avoid total demolition.</p> <p>In addition, adding in requirements that ensure that recognised conservation principles and methods must be followed when undertaking repositioning and relocation will help manage heritage values.</p>

4.6.10 HH-P10: Total demolition of heritage buildings and heritage structures

4.6.10.1 Matters raised by submitters

324. Wellington City Council Environmental Reference Group [377.73], Lucy Harper and Roger Pemberton [401.16] seek that HH-P10 is retained as notified.

4.6.10.2 Assessment

325. I have recommended changes to this policy in response to Historic Places Wellington [182.13] which is detailed in paragraphs 172 through 177.

4.6.10.3 Summary of recommendations

326. **HS3-Rec48:** That the policy addressing ‘total demolition of heritage buildings and structures’ is amended as detailed in HS3-Rec17.

327. **HS3-Rec49:** That submissions on HH-P10 are accepted as detailed in Appendix B.

4.6.11 HH-P11: Height of development in heritage areas

4.6.11.1 Matters raised by submitters

328. Wellington City Council Environmental Reference Group [377.74], Argosy Property No.1 Limited [383.40] and Lucy Harper and Roger Pemberton [401.17] seek that HH-P11 is retained as notified.

329. Wellington City Council [266.76] considers for reasons of consistency that the title of the policy should be amended read: ‘Height of development within heritage areas’.
330. Kāinga Ora [391.169 (opposed by Wellington’s Character Charitable Trust FS82.124) and 391.170 (opposed by Wellington’s Character Charitable Trust FS82.125, LIVE WELLington FS96.14 and Roland Sapsford FS117.13)] considers HH-P11 should be amended as the form of development does not relate to the height of the building as this is covered by HH-P13 and HH-P14 and the height of development should be cognisant of the heights that the zone generally provides for along with the existing height of buildings in the area.
331. Willis Bond and Company Limited [416.60-416.61] supports the policy’s direction to ‘manage’ height in heritage areas but requests further clarification that it only applies within heritage areas.
332. Anna Kemble Welch [434.7 (opposed by Heritage NZ FS9.23)] seeks that HH-P11 is amended to allow heights up to six storeys in the Newtown Shopping Centre Historic Area, providing that the street frontages of historic buildings are retained while providing for increased height of new structures setback from the street.

4.6.11.2 Assessment

333. I agree with Wellington City Council and Willis Bond and Company Limited that for reasons of clarity the policy title and text be amended to relate to development ‘within’ heritage areas.
334. I have considered Kāinga Ora’s submission point to amend the policy to remove references to ‘unique form and scale’ and to introduce the concept of the development being undertaken within zones where intensive development otherwise occurs. I note that the submitter has also requested changes to the associated height standard and is not opposed to having a policy to manage building height within heritage areas.
335. The ODP includes a policy, rule and standard to manage the scale of development height within heritage areas recognising that the concentration of buildings of a similar scale, form and style are part of the reason why these areas meet the significance criteria in Policy 21 of the RPS and are scheduled in the district plan.
336. The PDP policy reflects this intent and provides a clear line of sight with the related HH-S4 height standards (which have been simplified from the ODP). The height standards seek to temper development relative to minimum and maximum limits, with new development assessed against the extent to which it complies with these limits.
337. With respect to removal of the word ‘form’, I consider that it is appropriate for it to be retained. In my view ‘form’ identifies that buildings within heritage areas can be of different shapes with rooflines at alternating angles and mass located differently across a building, all of which contribute to the overall height in a heritage area.

338. In the context of a resource consent application this means that new development within a heritage area may be able to achieve, or in some cases exceed, height limits where increased mass or height can be accommodated in a way that is compatible with existing built form. Accordingly, I do not consider that a further amendment is necessary.
339. With respect to Anna Kemble Welch, I do not consider that the policy itself should be amended to specifically enable a six storey height limit in the Newtown centre, noting that a six storey height limit for this centre is addressed further in paragraphs 562 through 566 of this report.

4.6.11.3 Summary of recommendations

340. **HS3-Rec50:** That the title of the policy for ‘height of development in heritage areas’ be amended as detailed below and in Appendix A:

Height of development within heritage areas

Manage the height of development within heritage areas to recognise and respect their unique form and scale ~~of heritage areas~~ in the City Centre Zone, Centre Zones and the Waterfront Zone.

341. **HS3-Rec51:** That submissions on HH-P11 are accepted/rejected as detailed in Appendix B.

4.6.12 HH-P12: Non-heritage buildings and structures

4.6.12.1 Matters raised by submitters

342. Wellington City Council Environmental Reference Group [377.75] and Lucy Harper and Roger Pemberton [401.18] seek that HH-P12 is retained as notified.

4.6.12.2 Assessment

343. No further assessment required.

4.6.12.3 Summary of recommendations

344. **HS3-Rec52:** That the policy addressing ‘non-heritage buildings and structures’ is retained as notified.
345. **HS3-Rec53:** That submissions on HH-P12 are accepted as detailed in Appendix B.

4.6.13 HH-P13: Additions and alterations to, and partial demolition of buildings and structures within heritage areas

4.6.13.1 Matters raised by submitters

346. Wellington City Council Environmental Reference Group [377.76] and Lucy Harper and Roger Pemberton [401.19] seek that HH-P13 is retained as notified.
347. Wellington City Council [266.77 (supported by Heritage NZ FS9.24)] considers further amendments are necessary for consistency, including ‘design’.

348. Argosy Property No.1 Limited [383.41] seeks that the policy is amended so that sustainable long-term use of a building includes reuse.
349. Wellington Heritage Professionals [412.48] considers the content in the policy should be reordered.
350. Anna Kemble Welch [434.8] considers that HH-P13 should be amended to allow for essential earthquake strengthening of buildings in the Newtown Shopping Centre Historic Area.

4.6.13.2 Assessment

351. I agree with Wellington City Council [266.77] that for reasons of consistency the word ‘design’ should be added into notified HH-P13.1.d of the policy for consistency.
352. I have considered Argosy’s submission and whether an overt reference to ‘reuse’ is beneficial. On balance I consider that a reference to reuse is not necessary as the introduction to the chapter clarifies that reuse is certainly a desirable outcome where it supports a building having a sustainable long term use. There are no rules in the heritage chapter limiting uses that may take place within them, rather it is concerned with the extent and effect of any modifications undertaken to enable them. Land uses are managed by the zone based rules.
353. With respect to the Wellington Heritage Professional’s submission that the clauses be reordered I note there is no hierarchy within it but consider that listing sustainable long term use first helps provide a clear line of sight to the objectives of this chapter and of the HHSAM strategic objectives chapter. Consequently, I do not recommend any further change for those reasons.
354. Regarding the submission of Anna Kemble Welch [434.8], I do not consider that the policy should be amended to specifically identify the Newtown Shopping Centre Historic Area in as the policy already addresses and includes, as a matter of discretion, *‘the extent to which the work increases structural stability’*.
355. I also point to HH-P4 which takes an enabling approach to works that increase resilience through seismic strengthening. I consider that these considerations as well as the amended policy and rule framework that I have recommended in my assessment of HH-P3 for earthquake strengthening will help enable earthquake strengthening while managing impacts on heritage values.

4.6.13.3 Summary of recommendations

356. **HS3-Rec54:** That the policy addressing ‘Additions and alterations to, and partial demolition of buildings and structures within heritage areas’ is amended as detailed below and detailed in Appendix A.

1. The extent to which the work:

- a) Supports [buildings](#) and [structures](#) having a sustainable long term use;
- b) Promotes, enhances, recovers or reveals heritage values;

- | |
|--|
| <ul style="list-style-type: none">c) Respects the valued neighbourhood patterns of the heritage area including any predominant architectural style or design;d) Is compatible with the scale, form, proportion, design and materials that have been identified as part of the heritage values of the heritage area; |
|--|

357. **HS3-Rec55:** That submissions on HH-P13 are accepted as detailed in Appendix B.

4.6.14 HH-P14: New buildings and structures within heritage areas

4.6.14.1 Matters raised by submitters

358. Wellington City Council Environmental Reference Group [377.77] and Lucy Harper and Roger Pemberton [401.20] seek that HH-P14 is retained as notified.

359. Kāinga Ora [391.171 (opposed by Wellington’s Character Charitable Trust FS82.126) and 391.172 (opposed by Wellington’s Character Charitable Trust FS82.12)] considers blanket reference to the extent to which work fulfils the intent of the Heritage Design Guide is unnecessary when other clauses of the Policy provide guidance as to which specific matters need to be considered. Kāinga Ora considers this Design Guide should only be used as a reference document. It also considers HH-P14 should be amended to focus on identified heritage values as outlined in the Wellington Heritage Inventory, balanced with the outcomes sought within the Zone the buildings and structures are located within.

360. Willis Bond and Company Limited [416.62 and 416.63] supports in part HH-P14 and seeks that reference to the Heritage Design Guide be removed.

4.6.14.2 Assessment

361. With respect to the Heritage Design guide submission point of Kāinga Ora [391.171] and Willis Bond and Company Limited - I consider that it should be included as a statutory part of the PDP. A discussion has already been had with respect to including design guides in the PDP in Stream 2. I note the same panel is hearing this topic so will have had time to consider the discussion from that stream, but essentially my view is the same as the reporting officer for the Residential zones; that a statutory design guide helps to narrow assessment and start conversations between applications and the Council from a place of what ‘good design looks like’. Furthermore, the Wellington Heritage Inventory is a useful public facing resource for understanding the heritage values of places but is not a comprehensive record of the heritage values of scheduled places, which is the purpose of the assessments the Council holds. Additionally, it is a non-statutory document that is subject to change and has not been included in the PDP by reference

362. Regarding Kāinga Ora’s [391.172] requested policy amendment I do not consider that it is necessary to include within the policy a link to the role and function of the zone. The PDP has been drafted in a manner whereby overlay and district wide provisions (eg heritage) apply in addition to area specific matter chapters (eg zones), as set out in the ‘How the Plan works’ chapter. These considerations are triggered when resource consent is required under the

relevant zone based rules. I consider that this mechanical consideration in the framework of the PDP sufficiently addresses the relief sought.

4.6.14.3 Summary of recommendations

363. **HS3-Rec56:** That the policy addressing ‘New buildings and structures within heritage areas’ is confirmed as notified.
364. **HS3-Rec57:** That submissions on HH-P14 are accepted/rejected as detailed in Appendix B.

4.6.15 HH-P15: Repositioning and relocation of contributing buildings and structures and Policy - HH-P16: Total demolition of contributing buildings and structures

4.6.15.1 Matters raised by submitters

365. Wellington City Council Environmental Reference Group [377.78, 377.79] and Lucy Harper and Roger Pemberton [401.21, 401.22] seek that HH-P15 and HH-P16 are retained as notified.
366. Heritage NZ [70.17 (supported by Onslow Historical Society FS6.7 and Historic Places Wellington Inc FS111.6) and 70.18 (supported by Onslow Historical Society FS6.8 and Historic Places Wellington Inc FS111.7)] considers stronger wording is needed to protect heritage values from inappropriate relocation. They consider relocation should be seen as a ‘last resort’ to save a building from demolition.
367. Similarly Heritage NZ [70.17] (supported by Onslow Historical Society FS6.9 and Historic Places Wellington Inc FS111.8) and 70.20 (supported by Onslow Historical Society FS6.10 and Historic Places Wellington Inc FS111.9)] considers stronger wording is needed to protect heritage values from inappropriate demolition and considers the wording for contributing buildings should align with the policy for demolition of scheduled buildings.
368. Wellington City Council [266.78 and 266.79] considers clarification is needed in the title of HH-P15 and HH-P16 to specify it applies to buildings and structures within heritage areas.
369. Waka Kotahi [370.168, 370.169, 370.170 and 370.171]] supports the direction of the policy and considers there is no need for ‘considered by Council’ to be included in the Policy as the Council officer or decision maker will need to be satisfied.

4.6.15.2 Assessment

370. I accept the submission point of Wellington City Council for reasons that they will increase clarity as to where the policy and associated rules are intended to apply.
371. I agree with Waka Kotahi that reference to ‘considered by council’ can be removed from these policies given that it is inherent that a Council officer or other decision maker will need to decide on a resource consent under this policy and that it does not need to be spelt out.

372. With respect to Heritage NZ [70.17] I do not necessarily agree that the effects on heritage values associated with demolition of a contributing building are any worse or more of a last resort than relocation of a building outside of a heritage area.
373. I hold this view given the effects assessment of works to a contributing building or structure is on the effects on the values of the heritage area, rather than solely focused on the building or structure itself. In that way relocation or total demolition would have a similar effect on the values of the heritage area. As a result, I consider that the framework of the policies needs to be reworked to reflect this such that the policy for relocation should be reflective of that for total demolition.
374. I do accept though that total demolition has the effect of losing a building, along with its fabric, in its entirety. However, as I have noted in paragraph 146, buildings within heritage areas contribute to differing degrees to the values of the area, with some making a modest contribution while others are more substantial. Given this range of contribution it may be the case that the removal of a building that only makes a modest contribution to the values of a heritage area will not constitute significant effects on the heritage values of the area. I note that those that make a significant contribution are often also listed as individually scheduled buildings, but I recognise this is not always the case.
375. By the same token I am of the view that if a contributing building be relocated outside of a heritage area was considered to hold historical value or interest avenues such as the application of consent notices, covenants or a plan change would be options available to protect the heritage values of such buildings.
376. Given that I do agree in part with Heritage NZ that demolition of contributing buildings should be a last resort, and given my view that relocation and demolition have the same impact on the values of a heritage area where a building is significant, I consider that total demolition and relocation of a contributing building and structures of high significance should be treated equally as a 'last resort'.
377. I also consider though that a necessary step in determining whether both relocation or demolition is appropriate for contributing buildings is the relative contribution of the building to the values of the heritage area, given that they vary from building to building. This is already addressed in the notified policy for total demolition where it must be demonstrated that there are no significant adverse effects on the identified heritage values of the heritage area. Given this I am of the view that where there are no significant effects on the values of a heritage area, demolition or relocation could be granted.
378. At the same time I consider that the test for alternatives should be one of demonstrating that all reasonable alternatives have been exhausted for those contributing buildings that *do* make a significant contribution to the values of the area. In this way I accept in part the submission of Heritage NZ [70.17]. Significance would be determined in an AEE and informed by a heritage assessment.

379. This amendment would better recognise the variation in levels of contribution of buildings within heritage areas, as well as allowing for a more considered assessment than the ODP. At present the ODP directs that if effects are considered to be significant then demolition cannot occur irrespective of other factors such as building condition, natural hazards, and how reasonable it is to strengthen and/or alter to enable reuse.

4.6.15.3 Summary of recommendations

380. **HS3-Rec58:** That the policy addressing ‘Repositioning and relocation of contributing buildings and structures’ is amended as detailed below and in Appendix A.

Repositioning ~~and relocation~~ of contributing buildings and structures within heritage areas

Only allow the repositioning ~~and relocation~~ of contributing buildings and structures within heritage areas where it can be demonstrated that:

1. ~~The works are~~ It is necessary to save the contributing building or structure from damage or destruction from natural hazard risks; or
2. ~~For repositioning within the heritage area,~~ It will not detract from the identified values of the heritage area ~~;~~ or
3. ~~Relocation outside of the heritage area is the only practical alternative to avoid total demolition. relocation is considered by Council to be a reasonable option.~~

381. **HS3-Rec59:** That the policy addressing ‘total demolition of contributing buildings and structures’ is amended as detailed below and in Appendix A.

Relocation or ~~Total~~ demolition of contributing buildings and structures within heritage areas

Avoid the relocation or total demolition of contributing buildings and structures within heritage areas unless it can be demonstrated that:

1. There are no significant adverse effects on the identified heritage values of the heritage area; or
2. ~~The works are~~ It is necessary to save the contributing building or structure from damage or destruction from natural hazard risks; or
3. ~~There are no reasonable alternatives to relocation or total demolition. Alternatives to total demolition have been explored and total demolition is considered by Council to be a reasonable option.~~

382. **HS3-Rec60:** That submissions on HH-P16 are accepted/rejected as detailed in Appendix B.

4.6.15.4 Section 32AA Evaluation

383. I have undertaken a s32AA evaluation for addressing relocation and total demolition equally. This is because my recommendations have altered the policy approach

384. In my opinion, these amendments will be more efficient and effective in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:

- a) They will assist in clarifying that relocation and demolition of contributing buildings have in my view an equal level of adverse effect on the values of the area; and
- b) In the absence of any concrete direction from central government on this matter, the approach helps reinforce conservation best practice.

385. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing PDP Evaluation Report, are below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	There are unlikely to be any environmental costs compared to the notified provisions, rather positive effects by providing greater clarity and certainty in the regulatory framework that positions relocation more accurately as having effects on the values of heritage areas the same as total demolition.
Economic	Compared to the notified proposal, the recommended approach is unlikely have additional economic costs.
Social	There are unlikely to be any additional social costs or benefits compared to the notified proposal.
Cultural	The recommended proposal will provide greater clarity and certainty in the regulatory framework that relocation of a contributing building outside of a heritage area has the same level of effect as total demolition, and should equally be avoided where buildings are significant.

4.6.16 HH-P17: Information, advocacy and advice

4.6.16.1 Matters raised by submitters

386. Wellington City Council Environmental Reference Group [377.80] seeks that HH-P17 is retained as notified.

4.6.16.2 Assessment

387. No further assessment required

4.6.16.3 Summary of recommendations

388. **HS3-Rec61:** That the policy on ‘Information, advocacy and advice’ is retained as notified.

389. **HS3-Rec62:** That submissions on HH-P17 are accepted/rejected as detailed in Appendix B.

4.6.17 HH-P20: Modification of scheduled archaeological sites and earthworks within their extent

4.6.17.1 Matters raised by submitters

390. Wellington City Council Environmental Reference Group [377.81] seeks that HH-P20 is retained as notified.

4.6.17.2 Assessment

391. No further assessment required

4.6.17.3 Summary of recommendations

392. **HS3-Rec63:** That the policy on the 'Modification of scheduled archaeological sites and earthworks within their extent' is retained as notified

393. **HS3-Rec64:** That submissions on HH-P20 are accepted/rejected as detailed in Appendix B.

4.6.18 HH-P21: Total demolition of scheduled archaeological sites

4.6.18.1 Matters raised by submitters

394. Waka Kotahi [370.172] and Wellington City Council Environmental Reference Group [377.82] seek that HH-P21 is retained as notified.

4.6.18.2 Assessment

395. No further assessment required

4.6.18.3 Summary of recommendations

396. **HS3-Rec65:** That the policy addressing the 'Total demolition of scheduled archaeological sites' is retained as notified.

397. **HS3-Rec66:** That submissions on HH-P21 are accepted/rejected as detailed in Appendix B.

4.7 Historic Heritage – Rules

4.7.1 HH-R1: Maintenance and repair of scheduled heritage buildings and heritage structures

4.7.1.1 Matters raised by submitters

398. Fire and Emergency New Zealand [273.93], Wellington City Council Environmental Reference Group [377.83], Argosy Property No.1 Limited [383.42], Lucy Harper and Roger Pemberton [401.23] and Fabric Property Limited [425.20] seek that HH-R1 is retained as notified.

4.7.1.2 Assessment

399. No further assessment required

4.7.1.3 Summary of recommendations

400. **HS3-Rec67:** That rule HH-R1 is retained as notified.

401. **HS3-Rec68:** That submissions on HH-R1 are accepted/rejected as detailed in Appendix B.

4.7.2 HH-R2: Partial and total demolition of non-scheduled buildings and structures on the site of heritage buildings and heritage structures

4.7.2.1 Matters raised by submitters

402. Waka Kotahi [370.173], Wellington City Council Environmental Reference Group [377.84], Argosy Property No.1 Limited [383.43], Kāinga Ora [391.173], Lucy Harper and Roger Pemberton [401.24] and Fabric Property Limited [425.21] seek that HH-R2 is retained as notified.

4.7.2.2 Assessment

403. No further assessment required

4.7.2.3 Summary of recommendations

404. **HS3-Rec69:** That rule for ‘partial and total demolition of non-scheduled buildings and structures on the site of heritage buildings and heritage structures’ is retained as notified.

405. **HS3-Rec70:** That submissions on HH-R2 are accepted/rejected as detailed in Appendix B.

4.7.3 HH-R3: Additions, alterations and partial demolition of heritage buildings and heritage structures

4.7.3.1 Matters raised by submitters

406. Precinct Properties New Zealand Limited [139.16], Fire and Emergency New Zealand [273.94], Wellington City Council Environmental Reference Group [377.85], Lucy Harper and Roger Pemberton [401.25] and Fabric Property Limited [425.22] seek that HH-R3 is retained as notified.

407. Argosy Property No.1 Limited [383.44] supports HH-R3 as notified, subject to amendments to HH-S1.1.b.

408. Wellington City Council [266.80 (supported by Heritage NZ FS9.25)] considers it necessary to add HH-P5 (Conservation plans) and HH-P6 (Removal of unreinforced masonry chimneys) to the list of matters of discretion.

4.7.3.2 Assessment

409. I accept the submission of Wellington City Council to add references HH-P5 (Conservation plans) and HH-P6 (Removal of unreinforced masonry chimneys).

410. The inclusion of HH-P5 would provide scope for resource consent planners to implement the policy to ‘encourage’ the preparation of a conservation plan if considered appropriate, while the inclusion of HH-P6 would recognise that removal of chimneys may form part of a broader resource consent for additions and alterations/partial demolition and provide scope for the policy to be appropriately considered.

411. My response to Argosy Property No.1 Limited [383.44] who seek that internal floor levels and walls be permitted, is dealt with in my recommendation at HS3-Rec31.

4.7.3.3 Summary of recommendations

412. **HS3-Rec71:** That the rule for ‘Additions, alterations and partial demolition of heritage buildings and heritage structures’ is amended to include policy direction relating to chimneys and conservations plans as matters of discretion, as detailed in Appendix A.

413. **HS3-Rec72:** That submissions on HH-R3 are accepted/rejected as detailed in Appendix B.

4.7.4 HH-R4: New buildings and structures on the site of heritage buildings and heritage structures

4.7.4.1 Matters raised by submitters

414. Precinct Properties New Zealand Limited [139.17], Fire and Emergency New Zealand [273.95], Wellington City Council Environmental Reference Group [377.86], Argosy Property No.1 Limited [383.45] and Lucy Harper and Roger Pemberton [401.26] seek that HH-R4 is retained as notified.

415. Kāinga Ora [391.174 and 391.175 (opposed by Heritage NZ FS9.26)] considers that HH-R4 should be amended to remove compliance with HH-S2 which applies to the MDRZ and HDRZ and only allows buildings and structures that are accessory to the primary residential building, located to the rear and less than 10m².

4.7.4.2 Assessment

416. The intent of the rule and relevant standards is to enable reasonable development of residentially zoned sites with heritage buildings located on them. The standards are intended to allow garden sheds and other accessory buildings and fences, letter boxes and other such structures without the need for a resource consent. Requiring resource consent for these structures would in my view be inefficient and constitute regulatory overreach.

417. I have considered Kāinga Ora’s submission points [391.174 and 391.175] but do not agree that the qualifier on the size of accessory buildings and a height limit on new structures should be removed.

418. In particular I am of the opinion that a permissible building size limit is necessary given that it is the primary method through which the setting of heritage buildings is protected. As a building larger than that permitted as of right could have adverse effects on heritage values I am of the view that it is prudent to consider the relationship, placement, and size of new buildings.

419. I also note that this rule is more permissive than most other district plans around the country, with resource consent commonly required for any new buildings or structures on the site of heritage buildings and structures.

420. Accordingly, I consider that the retention of these standards as notified is appropriate.

4.7.4.3 Summary of recommendations

421. **HS3-Rec73:** That the rule for ‘New buildings and structures on the site of heritage buildings and heritage structures’ is confirmed as notified.
422. **HS3-Rec74:** That submissions on HH-R4 are accepted/rejected as set out in Appendix B.

4.7.5 HH-R5: Additions and alterations to non-scheduled buildings and structures on the site of heritage buildings and structures

4.7.5.1 Matters raised by submitters

423. Precinct Properties New Zealand Limited [139.18], Wellington City Council Environmental Reference Group [377.87] and Lucy Harper and Roger Pemberton [401.27] seek that HH-R5 is retained as notified.
424. Kāinga Ora [391.176 and 391.177 (opposed by Heritage NZ FS9.27)] considers that HH-R5 should be amended to remove the reference to HH-S3 which limits modifications to less than 10% where there are no additional storeys to the existing building. Kāinga Ora considers additions to buildings are covered by other general rules and standards in the Heritage Overlay or underlying zone and it is unnecessary to control this matter here.

4.7.5.2 Assessment

425. Like HH-R4, the intent of this rule is to enable small scale works on the site of heritage buildings and structures, within a threshold that is unlikely to result in adverse effects on heritage values. It recognises that there are often accessory buildings on sites which may be modified.
426. I also note that this rule is more permissive than most other district plans around the country, with resource consent commonly required for any new buildings or structures on the site of heritage buildings and structures.
427. I have considered the submission of Kāinga Ora [391.176 and 391.177] to remove limits on the scale of additions and alterations to non-scheduled buildings and structures on the site of heritage buildings and structures.
428. I recognise that these matters could be managed by underlying zone provisions but consider that without additional management through the notified rule and standard in the historic heritage chapter, adverse effects on the values of heritage buildings and structures (such as on their setting, prominence) could occur. Accordingly, I do not recommend removing the notified standards.

4.7.5.3 Summary of recommendations

429. **HS3-Rec75:** That the rule for ‘Additions and alterations to non-scheduled buildings and structures on the site of heritage buildings and structures’ is retained as notified.
430. **HS3-Rec76:** That submissions on HH-R5 are accepted/rejected as detailed in Appendix B.

4.7.6 HH-R6: Repositioning of heritage buildings and heritage structures on their existing site

4.7.6.1 Matters raised by submitters

431. Wellington City Council Environmental Reference Group [377.88], Argosy Property No.1 Limited [383.46] and Lucy Harper and Roger Pemberton [401.28] seek that HH-R6 is retained as notified.

4.7.6.2 Assessment

432. No further assessment required.

4.7.6.3 Summary of recommendations

433. **HS3-Rec77:** That the rule for 'Repositioning of heritage buildings and heritage structures on their existing site' is retained as notified.
434. **HS3-Rec78:** That submissions on HH-R6 are accepted/rejected as detailed in Appendix B.

4.7.7 HH-R7: Removal of unreinforced masonry chimneys from built heritage

4.7.7.1 Matters raised by submitters

435. Wellington City Council Environmental Reference Group [377.89] and Lucy Harper and Roger Pemberton [401.29] seek that HH-R7 is retained as notified.
436. Wellington Heritage Professionals [412.49 and 412.50] supports HH-R7 with amendments to remove HH-P6 as a matter of discretion.

4.7.7.2 Assessment

437. I have considered the Wellington Heritage Professionals submission to delete the policy (and accordingly the matter of discretion for this rule) in its entirety and instead use design guidance. On balance I am of the view that the restricted discretionary rule and policy framework provides scope for an appropriately rigorous assessment relevant to the level of significance and contribution of a chimney to the primary elevation of a building, as well as the reasonableness to retain it in situ.
438. As I have explained in my assessment of HH-P6 in paragraphs 273 through 282 this is not a so much a departure from the ODP, rather the validation of the current pragmatic approach to consenting these works that is already in place. Examples of where works to chimneys have been consented can be found in the Heritage Design Guide.
439. Where removal of a chimney is agreed and it is part of the primary elevation of the building a replacement must be provided using original, removed material from the chimney or similar. The intended result is a chimney that is visually indistinguishable from the original one. I consider this represents a reasonable balance of heritage values and resilience benefits.

440. I again note the observation that I have made in my assessment of submissions on HH-P6 in paragraph 282 and based on this, consider that such work could also be managed by way of a controlled activity.

4.7.7.3 Summary of recommendations

441. **HS3-Rec79:** That the rule for ‘Removal of unreinforced masonry chimneys from built heritage’ is confirmed as notified.

442. **HS3-Rec80:** That submissions on HH-R7 are accepted/rejected as detailed in Appendix B.

4.7.8 HH-R8: Relocation of heritage buildings and heritage structures beyond the existing site

4.7.8.1 Matters raised by submitters

443. Wellington City Council Environmental Reference Group [377.90], Argosy Property No.1 Limited [383.47] and Lucy Harper and Roger Pemberton [401.30] seek that HH-R8 is retained as notified.

444. Wellington City Council [266.81 (supported by FS9.28)] seeks amendments to include information requirements to accompany applications of the rule.

4.7.8.2 Assessment

445. I agree with the submission of Wellington City Council in part (subject to editorial amendments) as I am of the opinion that it will help to increase the administrative efficiency of the resource consent process and potentially avoid the need for further unnecessary information requests.

4.7.8.3 Summary of recommendations

446. **HS3-Rec81:** That the following text be added as information requirements to rule for the ‘Relocation of heritage buildings and structures beyond their existing site’.

Section 88 information requirements to accompany applications for the relocation of heritage buildings and structures beyond the existing site:

1. An application under this rule to relocate any heritage building or structure beyond the existing site must be accompanied by:
 - a. A Heritage Impact Assessment that evaluates the potential effects on the building or structure’s associated heritage values resulting from relocation from its current site;
 - b. An assessment of alternatives to relocation that have been considered by the applicant, including evidence demonstrating why none of these present a reasonable option;
 - c. A Heritage Construction Management Plan outlining the measures and methods that will be undertaken to protect the building before, during, and after the relocation; and
 - d. A Conservation Plan where one exists.

447. **HS3-Rec82:** That submissions on HH-R8 are accepted/rejected as detailed in Appendix B.

4.7.9 HH-R9: Total demolition of heritage buildings and heritage structures

4.7.9.1 Matters raised by submitters

448. Waka Kotahi [370.174], Wellington City Council Environmental Reference Group [377.91] and Lucy Harper and Roger Pemberton [401.31] seek that HH-R9 is retained as notified.
449. Wellington City Council [266.82 (supported by Heritage NZ FS9.29)] considers additional information requirements are required to accompany applications for total demolition of heritage buildings and structures. This is based on the need for a greater level of assessment to be provided by professionals, including the need to address options for seismic strengthening, adaptive reuse, or restoration.
450. Argosy Property No.1 Limited [383.48 (opposed by Heritage NZ FS9.31)] and Fabric Property Limited [425.23-425.25] oppose HH-R9 in part. In particular they consider it unnecessary for the rule to specify a notification status.

4.7.9.2 Assessment

451. I agree with the submission from Wellington City Council in part (subject to editorial amendments) as I consider it will help increase the administrative efficiency of the resource consent process and potentially avoid the need for further information requests. These matters are frequently traversed in demolition applications. For this reason, I also reject that part of the submission of Fabric Property Limited which considers that such requirements do not relate to the protection of historic heritage from inappropriate subdivision, use and development (as required under s 6 of the RMA) and therefore should not be mandatory when applying for a resource consent.
452. I have considered the similar submissions of Fabric Property Limited and Argosy Property No.1 Limited regarding notification and while I acknowledge that automatic notification of demolition applications is a change from the ODP and could be viewed as onerous, my view is that it is justified and should be retained.
453. The intent of the chapter is to set out a framework whereby total demolition is clearly considered as a last resort, with the prime focus being on keeping buildings in use, including by providing for associated additions and alterations to enable this to occur. Consistent with this intent, and to send a clear signal that total demolition and the complete loss of physical heritage values is an undesirable (yet sometimes justified) outcome, I am of the opinion that public notification is justifiable. Given the importance of Historic Heritage as a matter of national importance, there is likely to be public interest in the demolition of buildings.
454. I acknowledge that there may be instances where a building presents an imminent threat to safety and that requiring public notification to demolish it could unintentionally frustrate public safety outcomes. At the same time though, the requirement to get a consent regardless acts as an impediment. However, I note in this regard that provision exists under s330 of the Act for emergency works where, amongst other matters, any sudden event is likely to cause loss of life,

injury or serious damage to property (eg after a hazard event). I consider that this provision offers an effective mechanism to address such risks, with this rule and associated notification clause applying outside of emergency situations.

455. I have recommended changes to this policy in response to Historic Places Wellington [182.13] which is detailed in paragraphs 172 through 177. Consequential to this I recommend that additional information requirements be added into the rule for maintenance and repair costs.

4.7.9.3 Summary of recommendations

456. **HS3-Rec83:** That the rule for ‘Total demolition of heritage buildings and heritage structures’ is amended to include information requirements as detailed in Appendix A.

457. **HS3-Rec84:** That submissions on HH-R9 are accepted/rejected as detailed in Appendix B.

4.7.10 HH-R10: Maintenance and repair of buildings and structures, including non-heritage buildings and structures

4.7.10.1 Matters raised by submitters

458. Wellington City Council Environmental Reference Group [377.92], Argosy Property No.1 Limited [383.49], Lucy Harper and Roger Pemberton [401.32] and Fabric Property Limited [425.26-425.27] seek that HH-R10 is retained as notified.

4.7.10.2 Assessment

459. No further assessment required.

4.7.10.3 Summary of recommendations

460. **HS3-Rec85:** That rule for ‘Maintenance and repair of buildings and structures, including non-heritage buildings and structures’ is retained as notified.

461. **HS3-Rec86:** That submissions on HH-R10 are accepted/rejected as detailed in Appendix B.

4.7.11 HH-R11: Additions, alterations and partial demolition of buildings and structures within a heritage area, including non-heritage buildings and structures

4.7.11.1 Matters raised by submitters

462. Lucy Harper and Roger Pemberton [401.33] and Fabric Property Limited [425.28] seek that HH-R11 is retained as notified.

463. Argosy Property No.1 Limited [383.50] seeks that HH-R11 is retained as notified, subject to amendments to HH-S1.1.b.

464. Wellington City Council [266.84 (supported by Heritage NZ FS9.32)] seeks amendment to HH-R11.2 to include HH-P11 as a matter of discretion. In addition, they seek to have an additional point referring to HH-P6 for buildings and structures within a heritage area, except non-heritage

buildings and structures. Wellington City Council [266.85 (supported by Heritage NZFS9.33)] also considers HH-P4 should be included in matters of discretion under HH-R11.3.

465. Kāinga Ora [391.178-391.178 (supported by Heritage NZ FS9.34)] opposes HH-R11 in part and seeks amendment noting HH-S1 only allows minor internal alternations, and states this standard does not apply to non-heritage buildings. The relief sought is that this rule is clarified to reflect this and consequential changes to restricted discretionary activities made to reflect that changes to non-heritage buildings are permitted.
466. Wellington Heritage Professionals [412.51] consider the approach should be based on the heritage values of the place not what zone the place is in and seek that HH-R11 be amended so there are not different considerations depending on the zone.
467. Peter Fordyce [431.6] seeks that HH-R11 has increased demolition protection coverage for pre-1930s dwellings in Heritage Areas.

4.7.11.2 Assessment

468. The purpose of this rule is twofold. It manages additions, alterations and partial demolition of contributing buildings and structures, as well as for non-heritage buildings within heritage areas.
469. The purpose of managing works to non-heritage buildings is to recognise that additions and alterations to them can have adverse effects on heritage values. In the absence of the rule non-heritage buildings could be increased in height or have their design, materials and form altered in a way which affects the values, or detracts from the appreciation of, a heritage area.
470. The associated standard HH-S1 as notified applies only to contributing buildings and structures, to the effect that:
- a) internal works to non-heritage buildings and structures are permitted;
 - b) internal seismic strengthening to contributing buildings is permitted; and
 - c) the addition of new internal floor levels and walls is a restricted discretionary activity.
471. I agree in part with Kāinga Ora [391.178-391.178] that the application of the rule can be made clearer with respect to non-heritage buildings. I do not agree however that additions and alterations to non-heritage buildings within heritage areas should be permitted in all cases (ie externally) as these can increase the height, bulk and form of buildings in ways that can result in adverse effects on heritage values if not considered through the resource consent process.
472. Argosy Property have submitted that the rule be retained but the relevant standard (HH-S1) be deleted in its entirety. This would have the effect of making the additional internal floor levels and walls permitted alongside internal seismic strengthening. This submission was made for the stated reason of supporting reuse.

473. I have considered Argosy’s submission and its relationship to the recommendations I have made for internal seismic strengthening and new floor levels and walls for scheduled heritage buildings in section 4.6.3.2. With a view to ensuring a regulatory process that balances heritage values with seismic resilience and sustainable long term uses as set out in the Strategic Objective HHSASM-O2, and as outlined in my assessment of submissions on HH-P3, I recommend that the activity status for internal works to buildings and heritage areas be a permitted activity – a position the mirrors the current situation in the ODP.
474. With respect to Wellington Heritage Professionals [412.51], the reason why there are different clauses in the rule applying to different zones is in recognition that there are specific minimum and maximum height limits relevant to a subset of the zones with heritage areas throughout the city. Separating out the rule by zones represents in my view a clearer and more effective approach to drafting, particularly as it acts to reduce confusion as to when HH-S4 applies or not. Although not identified by the submitter I consider that HH-P4 should be included in the third limb of the rule relating to the CCZ, waterfront and centres. I consider that this is within scope given the submission of Wellington Heritage Professionals [412.51].
475. Considering Peter Fordyce’s [431.6] submission I note that the PDP does propose new heritage areas and that the matter of protecting buildings built before 1930 is addressed in Stream 2.
476. With respect to Wellington City Council [266.84 (supported by Heritage NZ FS9.32) I agree in part that HH-P6 be added as a matter of discretion given that works to remove chimneys from contributing buildings may end up being bundled with a broader application for additions/alterations. However, I do not consider that the reference to HH-P11 is needed in HH-R11.2 as the policy referenced applies only to the city centre, waterfront and centres zones, all of which have a specific height standard to implement it (HH-S4) whereas residential areas do not.

4.7.11.3 Summary of recommendations

477. **HS3-Rec87:** That the rule for ‘Additions, alterations and partial demolition of buildings and structures within a heritage area, including non-heritage buildings and structures’ be amended to include HH-P6 and HH-P4 as matters of discretion as detailed in Appendix A.
478. **HS3-Rec88:** That the permitted activity step of notified HH-R11.1 be deleted as this is addressed by specific new rules.
479. **HS3-Rec89:** That submissions on HH-R11 are accepted/rejected as detailed in Appendix B.

4.7.12 HH-R12: Total demolition, repositioning and relocation of an identified non-heritage building or structure

4.7.12.1 Matters raised by submitters

480. Waka Kotahi [370.175], Wellington City Council Environmental Reference Group [377.93], Lucy Harper and Roger Pemberton [401.34] and Fabric Property Limited [425.29] seek that HH-R12 is retained as notified.

4.7.12.2 Assessment

481. No further assessment required.

4.7.12.3 Summary of recommendations

482. **HS3-Rec90:** That the rule for 'Total demolition, repositioning and relocation of an identified non-heritage building or structure' is retained as notified.

483. **HS3-Rec91:** That submissions on HH-R12 are accepted/rejected as detailed in Appendix B.

4.7.13 HH-R13: New buildings and structures within heritage areas

4.7.13.1 Matters raised by submitters

484. Wellington City Council Environmental Reference Group [377.94], Argosy Property No.1 Limited [383.51], Lucy Harper and Roger Pemberton [401.35] and Fabric Property Limited [425.30] seek that HH-R13 is retained as notified.

485. Wellington City Council [266.86 (supported by Heritage NZ FS266.86)] considers a minimum size to allow for small structures in heritage areas (e.g. bollards, kerbing) is necessary.

486. Kāinga Ora [391.180-391.181] seeks that HH-R13.1 is amended to remove reference to HH-S2, which only applies to the MDRZ and HDRZ and only allows buildings and structures that are accessory to the primary residential building, located to the rear and less than 10m².

487. Wellington Heritage Professionals [412.52] consider HH-R13 should be amended based on the heritage values of the place, not what zone it is located in.

488. Willis Bond and Company Limited [416.64-416.65 (opposed by Heritage NZ FS9.36) and 416.66-416.67 (opposed by Heritage NZ FS9.37)] supports HH-R13.2 and HH-R13.3 in part and seeks that public notification is precluded from HH-R13.2 and HH-R13.3.

4.7.13.2 Assessment

489. I have considered the Wellington City Council submission [266.86 (supported by Heritage NZ FS266.86)] and agree in part. I suspect that a copy-paste error has occurred which has meant standards from the HDRZ have been inserted into the relief sought. In any case I only accept the initial relief sought relating to enabling structures associated with the legal road, not exceeding 1.0m in height or is a lamppost. However, I note that in Standard HH-S2 structures up to 1.5m in height are permitted with respect to residential zones. Therefore, for reasons of consistency I recommend that structures up to 1.5m in height are permitted across all zones consistent with the intent of the relief sought by the Council. In my view these structures are unlikely to have effects on heritage values which would need to be regulated through the heritage chapter.

490. I have considered Kāinga Ora's submission [391.180 and 391.181] and based on the parallel assessment and reasons set out in paragraphs 368-371 of this report relating to their associated submission point on HH-R4 I do not agree that the qualifier on the size of accessory buildings and a height limit on new structures should be removed.

491. With respect to the Wellington Heritage Professionals [412.51] I have considered the rationale for having more permissive rules for heritage areas in residential zones and the risk that the standards in the plan could lead to unacceptable effects on heritage values. Overall, with the requirement to locate new buildings to the rear of residential units and limits on the height of new structures, I consider the risk to be low and that no associated amendments to the rule are warranted.
492. Although not identified by the submitter I consider that HH-P4 should be included in the third limb of the rule relating to the CCZ, waterfront and centres. Doing so would make this rule consistent with HH-R11. I consider that this is within scope given the submission of Wellington Heritage Professionals [412.51].
493. Considering Willis Bond and Company Limited [416.64-416.65 (opposed by Heritage NZ FS9.36) and 416.66-416.67 (opposed by Heritage NZ FS9.37)] seeking preclusion of public notification of HH-R13.2 and HH-R13.3 consistent with the ODP, I have reviewed the ODP and cannot identify a non-notification clause for the relevant rule. Overall, I consider it appropriate that reliance is placed on the tests under s95 of the Act to determine whether notification should occur or not. Depending on the scale of a proposal I consider that there are circumstances in relation to applications under this rule where notification would be appropriate and should not be precluded.

4.7.13.3 Summary of recommendations

494. **HS3-Rec92:** That the rule for ‘New buildings and structures within heritage areas’ is redrafted to enable permitted structures in all zones, and includes these standards within the rule, deleting HH-S2 as a matter of drafting.
495. **HS3-Rec93:** That submissions on HH-R13 are accepted/rejected as detailed in Appendix B.

4.7.13.4 Section 32AA Evaluation

496. I have undertaken a s32AA evaluation because my recommendations have altered the policy approach for the policy and rule framework by permitting buildings and structures (subject to standards).
497. In my opinion, these amendments will be more efficient and effective in achieving the objectives of the PDP than the notified provisions. In particular, I consider that:
- a) They will enable an efficient and effective approach to enabling the development of structures which have a reasonably well established set of effects appropriately managed by way of permitted activity standards.
498. The environmental, economic, social and cultural effects of the recommended amendments, as they vary from the existing PDP Evaluation Report, are considered below. The effects are loosely grouped into four categories for convenience but have some category overlap.

Environmental	There are unlikely to be any environmental costs compared to the notified provisions, rather positive effects by establishing a balanced regulatory framework supporting keeping heritage places in a sustainable long term use and resilient.
Economic	Compared to the notified proposal, the recommended approach permits small structures (such as letterboxes and fences), those associated with the operation, use and maintenance of the legal road (such as kerbs and gutters) or lampposts, and reduces cost and increases efficiency by avoiding the need to apply for a resource consent.
Social	There are unlikely to be any additional social costs compared to the notified proposal. There may be social benefits by expediting the developing of structures which would be permitted by the amendments.
Cultural	There are unlikely to be significant heritage costs or benefits resulting from the recommended proposal. It would still ensure heritage values are protected by setting standards to which these structures must comply. When assessed at a heritage area wide scale, any costs are likely to be low.

4.7.14 HH-R14: Repositioning of contributing buildings and structures within a heritage area

4.7.14.1 Matters raised by submitters

499. Submitters, including Wellington City Council Environmental Reference Group [377.95] and Lucy Harper and Roger Pemberton [401.36] seek that HH-R14 is retained as notified.

4.7.14.2 Assessment

500. No changes required from submissions or as a result of my recommendations for HH-P14 and HH-P15.

4.7.14.3 Summary of recommendations

501. **HS3-Rec94:** That the rule for 'Repositioning of contributing buildings and structures within a heritage area' is retained as notified.

502. **HS3-Rec95:** That submissions on HH-R14 are accepted/rejected as detailed in Appendix B.

4.7.15 HH-R15: Relocation of contributing buildings and structures to a location outside of a heritage area

4.7.15.1 Matters raised by submitters

503. Submitters, including Wellington City Council Environmental Reference Group [377.96] and Lucy Harper and Roger Pemberton [401.37], seek that HH-R15 is retained as notified.
504. Wellington City Council [266.87 (supported by Heritage NZ FS9.38)] seeks amendments to include information requirements to accompany applications of the rule.

4.7.15.2 Assessment

505. Given my earlier assessment, reasons and recommendation in paragraph 373 to separate *relocation* from the repositioning of contributing buildings and structures, and instead group the activity with ‘total demolition’, I consider that this rule should be consequentially amended to address both total demolition and relocation.
506. Although I accept the intent of the Council’s submission point regarding further information requirements for relocation, given my recommendation to have a single rule that addresses both demolition and relocation I consider that the relief should be broadened to address both activities.

4.7.15.3 Summary of recommendations

507. **HS3-Rec96:** That the rule for ‘Relocation of contributing buildings and structures to a location outside of a heritage area’ be amended to apply to both relocation and total demolition of contributing buildings and structures.
508. **HS3-Rec97:** That information requirements be added to the rule.
509. **HS3-Rec98:** That submissions on HH-R15 are accepted/rejected as detailed in Appendix B.

4.7.16 HH-R16: Total demolition of contributing buildings and structures

4.7.16.1 Matters raised by submitters

510. Submitters, including Wellington City Council Environmental Reference Group [377.97] and Lucy Harper and Roger Pemberton [401.38] seek that HH-R16 is retained as notified.
511. Wellington City Council [266.88 (supported by Heritage NZ FS9.39)] seeks amendments to include information requirements to accompany applications of the rule.
512. Peter Fordyce [431.7] seeks that HH-R16 have increased demolition protection coverage for pre-1930s dwellings in Heritage Areas.

4.7.16.2 Assessment

513. Considering Peter Fordyce's [431.6] submission I note that the PDP does propose new heritage areas and that the matter of protecting buildings built before 1930 is addressed in Stream 2.
514. I agree with the Council's submission in part (subject to editorial amendments) that information requirements be added given the current void in the rule and that these matters are commonly traversed through the resource consent process.

4.7.16.3 Summary of recommendations

515. **HS3-Rec99:** That the rule addressing 'Total demolition of contributing buildings and structures' be deleted and combined into a single rule with the relocation of contributing buildings.
516. **HS3-Rec100:** That submissions on HH-R16 are accepted/rejected as detailed in Appendix B.

4.7.17 HH-R18: Modification of a scheduled archaeological site, including earthworks within the mapped extent

4.7.17.1 Matters raised by submitters

517. Wellington City Council Environmental Reference Group [377.97] seeks that HH-R18 is retained as notified.

4.7.17.2 Assessment

518. No further assessment required.

4.7.17.3 Summary of recommendations

519. **HS3-Rec101:** That the rule for 'Modification of a scheduled archaeological site, including earthworks within the mapped extent' is retained as notified.
520. **HS3-Rec102:** That submissions on HH-R18 are accepted/rejected as detailed in Appendix B.

4.7.18 HH-R19: Total demolition of scheduled archaeological sites

4.7.18.1 Matters raised by submitters

521. Wellington City Council Environmental Reference Group [377.99] seeks that HH-R19 is retained as notified.

4.7.18.2 Assessment

522. No further assessment required.

4.7.18.3 Summary of recommendations

523. **HS3-Rec103:** That the rule for 'Total demolition of scheduled archaeological sites' is retained as notified.
524. **HS3-Rec104:** That submissions on HH-R19 are accepted/rejected as detailed in Appendix B.

4.7.19 HH-R20: Alterations to enable building access at ground floor level of 32 the Terrace 'The Braemar building'

4.7.19.1 Matters raised by submitters

525. Wellington Heritage Professionals [412.53] opposes HH-20 as it may have an adverse effect on historic heritage and seeks that it is deleted.

4.7.19.2 Assessment

526. The intent of this rule is to reflect the consent order made in appeal ENV-2008-WLG-000152 in respect of Plan Change 58 filed by Braemar Holdings Limited on 18 August 2008.

527. I do not propose that the consent order outcome be relitigated through the PDP process and that this established outcome be effectively rolled over.

4.7.19.3 Summary of recommendations

528. **HS3-Rec105:** That the rule for 'Alterations to enable building access at ground floor level of 32 the Terrace 'The Braemar building' is retained as notified.

529. **HS3-Rec106:** That submissions on HH-R20 are accepted/rejected as detailed in Appendix B.

4.8 Historic Heritage – Standards

4.8.1 HH-S1: Permitted additions, alterations and partial demolition

4.8.1.1 Matters raised by submitters

530. Lucy Harper and Roger Pemberton [401.39] and Fabric Property Limited [425.31] seek that HH-S1 is retained as notified.

531. Argosy Property No.1 Limited [383.52] considers HH-S1.1.b would restrict internal additions and alterations of heritage buildings and heritage structures which would otherwise be permitted, and seeks it's deletion.

532. Wellington Heritage Professionals [412.54 (supported by Heritage NZ FS9.40)] consider that structural strengthening which is visible from the exterior of the building should not be a permitted activity as it is likely to have an adverse effect on heritage buildings. The relief sought [412.55] is that this rule also apply to non-heritage buildings in heritage areas as visible strengthening is likely to have an adverse effect on these areas.

4.8.1.2 Assessment

533. I have traversed these issues at some length in my parallel assessment of similar submissions on HH-P3 and HH-P11 in section 4.6.3.2.

534. Accordingly, in line with this earlier assessment and associated reasons I am of the opinion that:

- a) Internal seismic strengthening visible from the exterior of a heritage building should be amended to a controlled activity (where no internal features are otherwise scheduled);

- b) New floor levels and walls visible from the exterior of a heritage building should be amended to a controlled activity (where no internal features are otherwise scheduled); and
- c) All Internal works to both contributing and non-heritage buildings in heritage areas should be treated as permitted activities.

535. As a matter of drafting, I am also recommending that the standard be deleted and its content (modified to reflect my recommendations) be incorporated into the relevant rules.

4.8.1.3 Summary of recommendations

536. **HS3-Rec107:** That Standard HH-S1 is deleted as a matter of drafting and its content (modified to reflect my recommendations) be incorporated into the relevant rules.

537. **HS3-Rec108:** That submissions on HH-S1 are accepted/rejected as detailed in Appendix B.

4.8.2 HH-S2: New buildings and structures on the site of heritage buildings or structures and on sites within heritage areas

4.8.2.1 Matters raised by submitters

538. Lucy Harper and Roger Pemberton [401.40] seeks that HH-S2 is retained as notified.

539. Wharenui Apartments Ltd [358.1-358.2] opposes HH-S2 and considers it should be amended to allow the development of new buildings on sites of heritage buildings.

540. Kāinga Ora [391.182-391.184 (opposed by Hilary Watson FS74.2-74.4)] opposes HH-S2 and seeks an amendment to remove the size and height limits for accessory buildings in order to not restrict development on heritage sites. They note that given the additional buildings are to the rear of, and accessory to, the primary residential building, that the 10m² limit should be removed as this will generally avoid the building being visible from the street and interfering with heritage character.

4.8.2.2 Assessment

541. I have traversed these issues at some length in my parallel assessment of similar submissions on HH-R13 in paragraphs 489 through 493.

542. Accordingly, in line with this earlier assessment and associated reasons I am of the opinion that:

a) In Medium Density and High Density Residential Zone heritage areas the following buildings and structures are permitted.

- i. The works involve the construction of a structure associated with the operation, use and maintenance of a legal road; or
- ii. The height of the structure does not exceed 1.5m above ground level; or
- iii. The structure is a lamppost; or
- iv. A new building is:
 - Accessory to the primary residential unit;
 - Located to the rear of the primary residential unit; and
 - Smaller than 10m².

- b) In other zoned heritage areas the following buildings and structures are permitted:
- i. The works involve the construction of a structure associated with the operation, use and maintenance of a legal road; or
 - ii. The height of the structure does not exceed 1.5m above ground level; or
 - iii. The structure is a lamppost.
- c) On the site of a heritage building or structure in Medium Density and High Density Residential Zone the following buildings and structures are permitted.
- i. A new building is:
 - Accessory to the primary residential unit;
 - Located to the rear of the primary residential building; and
 - Smaller than 10m².
- d) On the site of a heritage building or structure in all other zones there are no other permitted buildings or structures .

543. I have considered the submission of Wharenui Apartments Ltd [358.1-358.2] and whether an exemption should be made for this site. I have accepted Ms Smith's relevant recommendation on the extent of this listing which is that a specific curtilage for the application of this rule apply. This responds to the relief sought by Wharenui Apartments Ltd.

544. As a matter of drafting, I am also recommending that the standard be deleted and its content (modified to reflect my recommendation in the previous paragraph) be incorporated into the relevant rules.

4.8.2.3 Summary of recommendations

545. **HS3-Rec109:** That standard HH-S2 be deleted and its content (modified to reflect my recommendation in the previous paragraph) be incorporated into the relevant rules.

546. **HS3-Rec110:** That submissions on HH-S2 are accepted/rejected as detailed in Appendix B.

4.8.3 HH-S3: Modifications to non-scheduled buildings and structures on the site of a heritage building or structure

4.8.3.1 Matters raised by submitters

547. Lucy Harper and Roger Pemberton [401.41] seeks that HH-S3 is retained as notified.

4.8.3.2 Assessment

548. No assessment required, however consistent with my recommendations for other standards I recommend as a matter of drafting, that the standard be deleted, and its content be incorporated into the relevant rules.

4.8.3.3 Summary of recommendations

549. **HS3-Rec111:** That Standard HH-S3 be deleted, and its content be incorporated into the relevant rules.
550. **HS3-Rec112:** That submissions on HH-S3 are accepted/rejected as detailed in Appendix B.

4.8.4 HH-S4: Minimum and maximum heights for heritage areas in the City Centre Zone, Centre Zones and Waterfront Zone

4.8.4.1 Matters raised by submitters

551. Argosy Property No.1 Limited [383.53] and Lucy Harper and Roger Pemberton [401.42] seek that HH-S4 is retained as notified.
552. Parliamentary Service [375.9-375.10] supports HH-S4 due to the differentiation of maximum heights across the Parliament Precinct but considers that the wording is amended to avoid ambiguity about maximum heights allowed at the site. At present it is unclear exactly where the height limits apply.
553. Kāinga Ora [391.185-391.186] opposes HH-S4 and seeks by way of relief amendments to align to Residential and Centre Zones heights and heights in relation to boundary standards.

4.8.4.2 Assessment

554. I consider that the Parliamentary Service [375.9-375.10] submission point helpfully clarifies the extent of the 15m height control and increases alignment with the mapping.
555. The minimum and maximum height limits for heritage areas in the City Centre Zone listed in HH-S4 have been rolled over from the ODP (ie. titled lower threshold and absolute maximum). In the ODP they are contained in the central area chapter and also feature an 'upper threshold' height limit. This links to a rule which is either restricted discretionary or fully discretionary depending on the extent of compliance with these height limits. I consider the two step activity status approach of the ODP unnecessarily confusing and, in the context of the NPS-UD, unnecessarily restrictive.
556. The height limits outlined in this rule have been included in the historic heritage chapter of the PDP given that they are for the purpose of managing heritage values and align with the format and structure directives contained in the National Planning Standards.
557. As such there are no underlying height limits identified in the underlying City Centre Zone chapter as heritage specific building height is managed by HH-S4.
558. The intent of the height limits is to reflect the lower and upper level of built form that could reasonably take place without significant detrimental effects on heritage values². In the context of the PDP, the 'extent of compliance' with HH-S4 and these height limits is treated as a matter

² See standard 13.6.3.1.6 of the ODP.

of discretion in the relevant rules. Unlike the ODP there is no cascade into a full Discretionary activity should a proposal breach the absolute maximum height limit. As such the PDP rule is more enabling than that of the ODP.

559. I understand the intent of Kāinga Ora's submission [391.185-391.186] to remove controls on building height from the heritage chapter and instead rely on underlying zone height controls to manage the scale of buildings within heritage areas. Weighing this up, I consider that the height limits proposed within this rule offer an efficient and effective response to the obligations under s6(f) of the Act and the directive in Policy 3(a) of the NPS-UD to maximise development capacity in the City Centre Zone. I note that these heritage area specific heights only apply to a relatively small proportion of all city centre zoned sites.
560. In particular I note that development at levels greater than that identified by HH-S4 is not prohibited, but any non-compliance would need to be considered in the context of policy HH-P11 'height of development in heritage areas' which seeks that development be managed to recognise and respect the unique form and scale of heritage areas.
561. As I have outlined in my earlier assessment of Kāinga Ora's submission on Policy HH-P11 in paragraphs 333 through 339. in the context of a resource consent application this means that new development within a heritage area may be able achieve, or in some cases exceed, height limits where increased mass or height can be accommodated in a way that is compatible with existing built form. Consequently, I am unconvinced of the need for any further amendment to this rule in response to the relief sought.
562. Anna Kemble Welch [434.7 (opposed by Heritage NZ FS9.23)] sought that HH-P11, rather than HH-S4, be amended to allow heights up to six storeys in the Newtown Shopping Centre Historic Area, providing that the street frontages of historic buildings are retained while providing for increased height of new structures set back from the street.
563. The maximum height limit in the PDP for this and all other heritage areas in the local and neighbourhood centres is 12m. This was included to align the approach to managing height in these centres with that of the City Centre Zone, noting that this is not presently the case in the ODP.
564. This height limit was devised using the same methodology for that of the City Centre heights and involved identifying both the lowest and highest building heights within these heritage areas. As I have noted in my response to Kāinga Ora's similar submission points on building height within heritage areas in paragraphs 333 through 339, greater development potential and building height can be an acceptable outcome when executed in a manner that recognises and responds to the unique scale and form of these areas. Setting additional height back from the street edge is a good approach to accommodate additional height by way of a transition. This is highlighted in the Heritage Design guide as follows:

G12. When new development is significantly higher than heritage buildings and areas, moderate the height of the new building at the street edge to achieve a scale transition.

565. Given this context I do agree with Anna Kemble Welch's submission that the 12m maximum height limit proposed for the entire Newtown Shopping Centre Heritage Area is low, particularly when compared with the 18m height limit in the ODP (effectively amounting to a downzoning in the PDP). I note that the Council and other Let's Get Wellington Moving partners have approved a mass rapid transit option from Wellington Rail Station to Island Bay via Newtown to proceed to Detailed Business Case stage. This mass rapid transit option relies on (among other factors) the ability to support the delivery of high levels of intensification in the southern corridor (Newtown to Island Bay). In the context of Policy 3(d) of the NPS-UD I would also see an 18m height limit to be more commensurate with the level of commercial activity and community services within the centre, while at the same time balancing the heritage values which have long been recognised in the area. I note that Ms Smith does not recommend any change to the height limit for this area and our views differ.
566. The submitter also considered that increased height of new structures could be mitigated through taller buildings being set back from the street. In this regard I consider that the heritage area policies, coupled with the guidelines of the Heritage Design Guide, provide sufficient direction that setting increased building height and bulk away from street frontages in order to retain common street edge proportions is a desirable outcome (see G11, G12 and G13 of the Heritage Design Guide). When set back from the street edge, an 18m height limit could also achieve a better scale transition with the 21m height maximum that applies in the High Density Residential Zone surrounding the centre.
567. Given the complexity of this table I recommend that it remain as a standard, rather than be incorporated into the relevant rules.

4.8.4.3 Summary of recommendations

568. **HS3-Rec113:** That the maximum height limit for the Newtown Shopping Centre Heritage Area be amended to 18m.
569. **HS3-Rec114:** That the Parliamentary [precinct heritage area standards be clarified by amending 'Between Parliament buildings and Museum Street' to 'From the front (eastern edge) of Parliament buildings westward to Museum Street'
570. **HS3-Rec115:** That submissions on HH-S4 be accepted/rejected as detailed in Appendix B.

4.8.5 HH-S5: Grazing of stock

4.8.5.1 Matters raised by submitters

571. Lucy Harper and Roger Pemberton [401.43] seek that HH-S5 is retained as notified.

4.8.5.2 Assessment

572. No assessment required, however consistent with my recommendations for other standards I recommend as a matter of drafting, that the standard be deleted and its content be incorporated into the relevant rules.

4.8.5.3 Summary of recommendations

573. **HS3-Rec116:** That the standard HH-S5 be deleted, and its content be incorporated into the relevant rules.

574. **HS3-Rec117:** That submissions on HH-S5 are accepted/rejected as detailed in Appendix B.

4.8.6 HH-S6: Earthworks for the maintenance and repair of existing roads, walking and access tracks, and operation of existing cultivation areas

4.8.6.1 Matters raised by submitters

575. Lucy Harper and Roger Pemberton [401.44] seek that HH-S6 is retained as notified.

4.8.6.2 Assessment

576. No assessment required, however consistent with my recommendations for other standards I recommend as a matter of drafting, that the standard be deleted and its content be incorporated into the relevant rules.

4.8.6.3 Summary of recommendations

577. **HS3-Rec118:** That the standard HH-S6 be deleted and its content be incorporated into the relevant rules.

578. **HS3-Rec119:** That submissions on HH-S6 are accepted/rejected as detailed in Appendix B.

4.8.7 HH-S7: Mowing of lawns, trimming and pruning of trees and vegetation within the extent of a scheduled archaeological site

4.8.7.1 Matters raised by submitters

579. Lucy Harper and Roger Pemberton [401.45] seek that HH-S7 is retained as notified.

4.8.7.2 Assessment

580. No assessment required, however consistent with my recommendations for other standards I recommend as a matter of drafting, that the standard be deleted and its content be incorporated into the relevant rules.

4.8.7.3 Summary of recommendations

581. **HS3-Rec120:** That the standard HH-S7 be deleted, and its content be incorporated into the relevant rules.

582. **HS3-Rec121:** That submissions on HH-S7 are accepted/rejected as detailed in Appendix B.

4.9 Heritage Design Guide

4.9.1 General points on Heritage Design Guide

4.9.1.1 Matters raised by submitters

583. Paul Burnaby [44.21 and 44.22] supports the Heritage Design Guide in principle and seeks that the Heritage Design Guide is retained as notified.
584. Foster + Melville Architects Limited [141.3] considers that Wellington needs to be striving for design excellence to ensure that our heritage buildings are part of the future.
585. Historic Places Wellington [182.35] generally supports the Heritage Design Guide.

4.9.1.2 Assessment

586. I note these submissions.

4.9.1.3 Summary of recommendations

587. **HS3-Rec123:** That no changes are made to the design guides because of these general submissions.
588. **HS3-Rec124:** That general submissions on the design guides are accepted/rejected as detailed in Appendix B.

4.9.2 Introduction

4.9.2.1 Matters raised by submitters

589. Paul Burnaby [44.23] seeks clarity as to the meaning, purpose, interpretation and application of the ‘additional considerations’ within the Heritage Design Guide.
590. Wellington Heritage Professionals [412.90] seek that reference to ‘Heritage from both Tiriti o Waitangi partners’ be amended to ‘heritage from all of New Zealand’s people’ in the application section.
591. Wellington Heritage Professionals [412.91] also seek that the application section is amended as follows:

“~~development~~ heritage conservation can lead to learning opportunities for the wider public, making currently unseen heritage and histories more accessible”

4.9.2.2 Assessment

592. I accept Paul Burnaby’s submission that the ‘additional considerations’ should be clarified. I agree that it is not clear from the introductory text where these are located in the design guide. To clarify, these are the text in orange which typically accompany figures and explain the design response which is presented for designers to consider as a possible solution. A note to this effect can be added to the design guide.

593. I am in agreement in part with the submission point of the Wellington Heritage professionals to amend the application section so that it references ‘heritage from all of New Zealand’s people’. I suggest that this be noted in addition to that of both Treaty partners, rather than in replacement of it.. This submission point is similar in nature to that of Historic Places Wellington [182.35]. This amendment in my view more accurately reflects that the heritage places identified and managed by the PDP are broader than Māori and the Crown as parties to te Tiriti.
594. I have considered the request of the Wellington Heritage Professionals to amend the text to the phrase ‘development’ to ‘heritage conservation’ [412.91]. After reflecting on the approach of the chapter which focuses on ‘works’ to heritage as a mechanism of enhancing and increasing understanding of heritage places I do not consider that the term should be deleted.

4.9.2.3 Summary of recommendations

595. **HS3-Rec125:** That the introductory text for ‘additional considerations’ be amended to clarify that this is text in orange throughout the design guide.
596. **HS3-Rec126:** That the application section of the Heritage Design Guide be amended as detailed below and in Appendix A:

Wellington’s taonga tuku ihotanga (heritage) consists of the tangible and intangible, heard and unheard, seen and unseen heritage from all of New Zealand’s peoples and both Tiriti o Waitangi partners

597. **HS3-Rec127:** That submissions on the introduction of the design guide are accepted/rejected as detailed in Appendix B.

4.9.3 Outcomes

4.9.3.1 Matters raised by submitters

598. Historic Places Wellington [182.35] seeks to amend the Heritage Design Guide outcomes to include other cultural backgrounds and heritage values that contribute to New Zealand’s multicultural society. This submission is supported by Te Rūnanga o Toa Rangatira [FS138.14] as it considers the suggested amendments will help to protect sites and areas of significance to Māori from development.
599. Wellington Heritage Professionals [412.92 (opposed by Te Rūnanga o Toa Rangatira FS138.116)] consider that it may not always be appropriate to acknowledge or celebrate sites of significance to mana whenua and seeks an amendment to include ‘where appropriate’.

4.9.3.2 Assessment

600. After consideration of the additions sought by Historic Places Wellington, I have concluded that including all New Zealand people is the same in terms of the breadth of the criteria in Policy 21 of the RPS which new listings are assessed against. In the context of the outcome which the submitter has offered track changes, I do not consider that amendments are necessary. Instead, I consider that my amendment above in response to Wellington Heritage Professionals [412.90]

addresses this point. The reference to ‘Māori’ sites of significance is to draw a connection with the Sites and Areas of Significance to Māori’ overlay/chapter, rather than to imply that buildings, places, structures and areas that are significant to other groups of people (including all New Zealanders) do not need to be respected and responded to.

601. I have considered the submission of the Heritage Professionals, as well as the further submission in opposition of Te Rūnanga o Toa Rangatira. On balance I support the position of Te Rūnanga on this matter and note that through the resource consent process mana whenua will have the ability to provide direction on whether or how a site should be acknowledged or celebrated. I would invite Te Rūnanga to comment on this further.

4.9.3.3 Summary of recommendations

602. **HS3-Rec128:** That the Deign Guide Outcome for Heritage is confirmed as notified.
603. **HS3-Rec129:** That submissions on the Outcomes of the design guide are accepted/rejected as detailed in Appendix B.

4.9.4 G2 of the Heritage Design Guide

4.9.4.1 Matters raised by submitters

604. Wellington Heritage Professionals [412.83 (opposed by The Retirement Villages Association of New Zealand Incorporated FS126.247 and Ryman Healthcare Limited FS128.247)] seeks that G2 of the Heritage Design Guide is retained as notified.

4.9.4.2 Assessment

605. I agree with the submission of the Wellington Heritage Professionals [412.83] and disagree with the further submission in opposition by The Retirement Villages Association of New Zealand Incorporated [FS126.247] and Ryman Healthcare Limited [FS128.247] for reasons that I do not consider amendments to or deletion of this guideline is necessary, noting that it is consistent with the policy direction in the historic heritage and relevant zone chapters to recognise and respond to unique values in considering a development proposal.

4.9.4.3 Summary of recommendations

606. **HS3-Rec130:** That guideline G2 is confirmed as notified.
607. **HS3-Rec131:** That submissions on G2 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.5 G10 of the Heritage Design Guide

4.9.5.1 Matters raised by submitters

608. Foster + Melville Architects Limited [141.4] considers that G10 of the Heritage Design Guide should be amended to reflect that the relationship between aligning key elements is important but is not a measure of a good design.

4.9.5.2 Assessment

609. I consider that there is merit to the submission point of Foster + Melville Architects Limited [141.4] particularly when it comes to accommodating the functional and operational requirements of new uses within new buildings in heritage areas. I still consider that the point around aligning window elements should be retained, but moved into an 'additional consideration' and accordingly making it non-statutory.

4.9.5.3 Summary of recommendations

610. **HS3-Rec132:** That the following statement in G10 be moved to 'additional considerations'.

consideration can be given to the alignment of floor levels and window heads and sills.

611. **HS3-Rec133:** That submissions on G10 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.6 G11 of the Heritage Design Guide

4.9.6.1 Matters raised by submitters

612. Foster + Melville Architects Limited [141.5] considers that the relationships outlined on Page 20 are too prescriptive, will lead to confusion, and should be deleted.

613. Paul Burnaby [44.24] seeks clarity on the notes on Page 20 of the Design Guide.

4.9.6.2 Assessment

614. I disagree with Foster + Melville Architects Limited [141.5] that the illustrations and relationships identified on page 20 of the design guide (G13) are too prescriptive and will cause confusion. These figures and their text 'additional considerations' are not part of the statutory design guide. Rather, I consider that they are very helpful and identify commonly applied design responses. My recommendation at 529 in response to Paul Burnaby [44.23] will help clarify this. I consider it is still useful to include these figures as depending on the context and building in question these development forms can help to moderate the transition between new and existing development.

4.9.6.3 Summary of recommendations

615. **HS3-Rec134:** That the illustrations as part of G13 are confirmed as notified.

616. **HS3-Rec135:** That submissions on G11 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.7 G15 of the Heritage Design Guide

4.9.7.1 Matters raised by submitters

617. Foster + Melville Architects Limited [141.6] seeks to retain G15 as notified.

4.9.7.2 Assessment

618. No further assessment required.

4.9.7.3 Summary of recommendations

619. **HS3-Rec136:** That G15 is retained as notified.

620. **HS3-Rec137:** That submissions on G15 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.8 G16 of the Heritage Design Guide

4.9.8.1 Matters raised by submitters

621. Foster + Melville Architects Limited [141.7] seeks that G16 is deleted. The submitter considers that while it is appropriate to restore and reconstruct shopfronts, particularly where heritage fabric remains, this should not be imposed on buildings where little, or no heritage fabric remains.

4.9.8.2 Assessment

622. I disagree that the guideline should be deleted as the guideline would not apply in circumstances where there is an absence of any material evidence of original form, detailing, materials or fabric.

4.9.8.3 Summary of recommendations

623. **HS3-Rec138:** That G16 is retained as notified.

624. **HS3-Rec139:** That submissions on G16 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.9 G31 of the Heritage Design Guide

4.9.9.1 Matters raised by submitters

625. Wellington City Council [266.176 and 266.177] seeks a minor clarification in the second and third point of G31 as follows:

... - understanding the heritage ~~value~~ values of the place through research, investigation, recording and documentation.

... - planning and carrying out maintenance and repair in accordance with recognised conservation principles and methods.

626. Wellington Heritage Professionals [412.94] considers that the guideline should not refer to 'works' and that conservation is about understanding and planning and does not always involve works.

4.9.9.2 Assessment

627. I have considered the Heritage Professionals view and in the context of the guideline agree with the change as I concur that its focus is not specifically on works to a building.

628. I similarly agree with the changes requested by the Council, which are minor in nature and will enhance the clarity of the guideline.

4.9.9.3 Summary of recommendations

629. **HS3-Rec140:** That guideline G31 is amended as detailed below and set out in Appendix A.

Consider effects on heritage fabric by:

- undertaking conservation ~~works~~ with consultation, engagement and in partnership with mana whenua.
- understanding the heritage values s of the place through research, investigation, recording and documentation.
- planning and carrying out maintenance and repair in accordance with recognised conservation principles.
- retaining fabric which contributes to the significance, character or appearance of heritage sites, areas, buildings and structures.
- The preparation and implementation of a Conservation Plan as the guiding document for the conservation, care and management of scheduled historic heritage is encouraged. For more information on conservation plans, refer to James Semple Kerr's The Conservation Plan, 7th Edition

630. **HS3-Rec141:** That submissions on G31 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.10 G37 of the Heritage Design Guide

4.9.10.1 Matters raised by submitters

631. Historic Places Wellington [182.33] seeks that G37 is retained as notified.

4.9.10.2 Assessment

632. No further assessment required.

4.9.10.3 Summary of recommendations

633. **HS3-Rec142:** That G37 is retained as notified.

634. **HS3-Rec143:** That submissions on G37 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.11 G40 of the Heritage Design Guide

4.9.11.1 Matters raised by submitters

635. Foster + Melville Architects Limited [141.8] seeks that G40 is amended to reflect that the strengthening of certain buildings in Wellington poses considerable challenges and the guidelines need to be flexible to enable a variety of engineering solutions, noting in some cases an external support structure is the only option.

4.9.11.2 Assessment

636. Foster + Melville Architects Limited [141.8] identifies the tension between seismic strengthening and heritage values. Exoskeletons and external seismic strengthening are more likely to result in adverse effects on heritage values compared to internal strengthening solutions. All external works to heritage buildings are managed by the relevant additions/alterations rules which require demonstration that works do not detract from heritage values. Based on this I do not consider the current wording of 'discourage' to be inappropriate given the likelihood such works will detract from heritage values.

4.9.11.3 Summary of recommendations

637. **HS3-Rec144:** That G40 is retained as notified.

638. **HS3-Rec145:** That submissions on G40 of the design guide are accepted/rejected as detailed in Appendix B.

4.9.12 Other Heritage Design Guide matters

4.9.12.1 Matters raised by submitters

639. Go Media Ltd [236.36] seeks that the Heritage Design Guide expressly recognises the potential for third-party signs on heritage buildings.

640. Wellington Heritage Professionals:

- a) [412.89] consider that the heritage design guides should be amended to set out considerations to be applied when deciding whether to allow removal of a chimney, rather than providing a policy framework in the district plan.
- b) [412.93] seek an amendment to additionally refer to the Centres and Mixed Use and Residential Design Guides given that they provide guidance on how to design new development adjacent to a heritage place.
- c) [412.95] seek that the Area Specific Heritage Design Guides in the ODP also be included.

4.9.12.2 Assessment

641. With respect to Go Media Ltd [236.36], I note that the Signs Design Guide specifically deals with the placement of signs on heritage buildings.

642. I do not agree with the Heritage Professionals that the design guide should be the mechanism through which the removal of chimneys should be dealt with. I am of the view that the decision to allow removal of a chimney and any requirement to construct a replacement is best addressed by way of express policy direction in the PDP in order to provide a clear consenting framework. In the absence of this, the activity would be managed as an addition/alteration and there would be less certainty for plan users in terms of what tests the removal would be assessed against, such is the benefit of setting out a clear policy approach in the PDP.

643. Further, I agree with the Heritage Professionals that a statement can usefully be added to the introduction of the Heritage Design Guide that the Centres and Mixed Use Design Guide provides guidance on how to design new development adjacent to a heritage place. Doing so clarifies the relationship and scope of these documents.
644. With respect to the relief sought to add area specific guides back into the PDP, I do not support this request. Although the ODP contains area specific design guides for heritage areas within the Central Area these were reviewed, but removed, from the series of PDP Design Guides because they:
- a) Duplicated content from the heritage assessments of the areas which were already available; and
 - b) Contained content inconsistent and sometimes contrary to the objectives and policies of the PDP.
645. The net effect of this was such that they created uncertainty in the resource consent process and were therefore less efficient and effective than a bespoke heritage design guide.

4.9.12.3 Summary of recommendations

646. **HS3-Rec146:** That a statement can usefully be added to the introduction of the Heritage Design Guide that the Centres and Mixed Use Design Guide provides guidance on how to design new development adjacent to a heritage place.
647. **HS3-Rec147:** That submissions on other design guide matters are accepted/rejected as detailed in Appendix B.

4.10 Appendix 1 – Historic Heritage Advice Notes

4.10.1.1 Matters raised by submitters

648. Claire Nolan, James Fraser, Bidy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.35] and Wellington Heritage Professionals [412.82] seeks that APP1 is retained as notified.
649. Heritage NZ [70.36 and 70.37] generally supports APP1 and considers these advice notes are a useful source of advice and further information for various aspects of heritage. An amendment is sought to the end of the Heritage New Zealand Pouhere Taonga and Accidental Discovery section in APP1 Historic Heritage Advice Notes to include the following:
- “... The Police will also need to be notified if any koiwi/human remains are revealed and if any artifacts/taonga tūturu are found the Ministry for Culture and Heritage must be notified. Where the discovery is of Māori origin the relevant iwi representatives will need to be notified.”
- This amendment is supported by Te Rūnanga o Toa Rangatira [FS138.12].
650. Wellington City Council [266.169] considers in the ‘ICOMOS NZ Charter and other policy documents and guidelines’ section of APP1 that the final sentence is long and confusing and requires clarification.

651. Wellington City Council [266.170 (supported by Heritage NZ FS9.50)] considers in the 'Conservation plans' section of APP1 that a conservation plan is incorrectly defined as a method, which is inconsistent with its true meaning. The definition should be rephrased to match the definition in the 'ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value'.

4.10.1.2 Assessment

652. In respect of the submission of Heritage NZ to notify iwi representatives when any koiwi/human remains or artifacts/taonga tūturu are found – I am not in support. I note that there is already and established process in section 11 of the Protected Objects Act 1975 requires that which if any taonga tūturu are found the Chief Executive of the Ministry for Culture and Heritage must be notified. The Chief Executive will then notify any parties that may have an interest in the taonga tūturu; and publish a public notice that calls for claims of ownership to be lodged with the Chief Executive. The Maori land court will then determine proper persons to hold custody of the taonga.

653. I do support the amendments requested by the Council which seek to increase clarity around the ICOMOS charter and purpose of a Conservation plan. These will clarify the role of these documents for plan users.

4.10.1.3 Summary of recommendations

654. **HS3-Rec148:** Amend APP1 Historic Heritage Advice Notes to include the following:

Amend APP1 (Historic Heritage Advice Notes) as follows:

ICOMOS NZ Charter and other policy documents and guidelines

(...)

~~These documents provide important references in identifying and protecting heritage, and in the resource consent process including for the assessment of environmental effects.~~

These documents provide important references in identifying and protecting heritage. They also contribute to the assessment of environmental effects within resource consent processes.

Amend APP1 (Historic and Heritage Advice Notes) as follows:

(...)

Conservation Plans

~~A conservation plan is a method of managing the cultural significance of a place of cultural heritage value.~~

A Conservation Plan is an objective report which documents the history, fabric, and cultural heritage value of a place, assesses its cultural heritage significance, describes the condition of the place, outlines conservation policies for managing the place, and makes recommendations for the conservation of the place.

655. **HS3-Rec149:** That submissions on Appendix 1 are accepted/rejected as detailed in Appendix B.

4.11 Schedule 1 – Heritage Buildings

4.11.1 Submissions to retain buildings on the schedule

Any buildings in Mount Victoria

656. Alan Olliver & Julie Middleton [111.9]: Retain buildings as notified with respect to any buildings in Mount Victoria.

General support for the Schedule

657. Grant Buchan [143.24] supports the protection of heritage buildings which are excellent examples of their type and are preserved in good and close to original condition.

658. Vivienne Morrell [155.16 (opposed by Sarah Cutten and Matthew Keir FS91.55)]: Retain SCHED1 as notified, and include the recommendations of Heritage NZ and Historic Places Wellington.

659. Historic Places Wellington [182.36 (opposed by Sarah Cutten and Matthew Keir FS91.46)] and Wellington's Character Charitable Trust [233.26 and 233.27 (opposed by Sarah Cutten and Matthew Keir FS91.47 and FS91.48)]: Retain SCHED1 buildings with amendment.

660. Mount Victoria Historical Society [241.11] and Mike Camden [226.7 (opposed by Sarah Cutten and Matthew Keir FS91.51)]: Retain SCHED1 buildings as notified.

661. Cheri Jacobson [251.8 (opposed by Sarah Cutten and Matthew Keir FS91.45)] supports all historic heritage added to the schedules and seeks that SCHED1 is retained as notified.

662. Murray Pillar [393.20 and 393.21] seeks all existing and new items in SCHED1 are retained as notified and seeks the selection of new listings involved greater consultation with Historic Places Wellington and other community groups, and to have been a public process.

663. Wellington Heritage Professionals [412.101 (opposed by Sarah Cutten and Matthew Keir FS91.44)] seeks that SCHED1 is retained as notified, but considers they are not representative of what is distinctive about Wellington, the region and New Zealand. Put another way, Wellington Heritage Professionals [412.102 and 412.103 (supported by Sarah Cutten and Matthew Keir FS91.4 and FS91.5)] considers the Heritage items schedule does not adequately protect historic heritage nor reflect what Wellingtonians value. They support the addition of new places but are concerned that the lack of public engagement on the review will undermine its efficacy.
664. Rachel Underwood [458.12 (opposed by Sarah Cutten and Matthew Keir FS91.50)] seek to retain SCHED1 as notified.

15 Stout Street

665. Argosy Property No.1 Limited [383.125] seeks that Item 23 (15 Stout Street) is retained as notified. The submitter notes that it is recognised as a heritage building as the 'Department Building' and the entire external envelope is listed.

Equitable Building and Investment Co. Building and Stewart Dawson's Corner

666. Argosy Property No.1 Limited [383.127] seeks that Items 191.1 and 191.2 are retained as notified, noting that the entire external building envelope is listed in relation to both buildings.

22 The Terrace

667. Fabric Property Limited [425.111]: Retain Item 287 (22 The Terrace) as notified.

4.11.1.1 Assessment

668. I acknowledge these submissions which relate to SCHED1 generally and on the approach that was followed to notify the schedule. I have outlined the engagement process followed in paragraphs 101 through 105. Assessment of submission on individual listings are dealt with in subsequent sections of this report.

4.11.1.2 Summary of recommendations

669. **HS3-Rec150:** That no changes are made to SCHED1 because of these submissions.
670. **HS3-Rec151:** That these submissions on Schedule 1 are accepted/rejected as detailed in Appendix B.

Cooper's Cottage

671. Rita Angus Cottage Trust (formerly Thorndon Trust) [494.2]: Retain Item 470 (Cooper's Cottage) as notified.
672. Rita Angus Cottage Trust (formerly Thorndon Trust) [494.1] seeks amendments to correct two mistakes regarding Cooper's Cottage in the Historic Heritage Area Evaluation Report December 2021.

4.11.1.3 Assessment

673. I acknowledge the submission of the Cottage Trust in support of scheduling.
674. Ms Smith has considered the points identified as errors by the Trust and agrees. The evaluation report is a reference document sitting outside of the PDP which assists to establish the values of a place and can be easily updated.

4.11.1.4 Summary of recommendations

675. **HS3-Rec152:** That SCHED1 continues to include item 470 (Cooper's Cottage).
676. **HS3-Rec153:** That submissions on Cooper's Cottage in Schedule 1 are accepted/rejected as detailed in Appendix B.

4.11.2 Submissions to remove item in schedule

Our Lady Star of the Sea Chapel and Stellamaris Retreat House

677. Wingnut PM Ltd [428.1 (opposed by Heritage NZ FS9.49, Wellington's Character Charitable Trust FS82.157, Historic Places Wellington Inc FS111.28, The Retirement Villages Association of New Zealand FS126.173 and Ryman Healthcare Limited FS128.173)]: Amend Item 120 to remove The Former School and Convent 1899.

Reasons

678. Considers that the Former School and Convent have little to no architectural merit, has been altered many times, and is poor build quality, preservation while developing for future use would be difficult, expansion of the Post Production Music composing and recording base would be difficult. The submission is opposed because Item 120 (Chapel and retreat house) is on the NZ Heritage List/Rārangi Kōrero as a category 2 place and has sufficient heritage value to merit its inclusion in the schedule.

4.11.2.1 Assessment

679. Ms Smith has assessed the different options canvassed by the Council in considering options to respond to the identified misalignment with the HNZPT Historic Area status of 69 Tio Tio Road. She has identified that scheduling the entire site as a heritage area or amending the extent of the existing listing adding the covered walkway (1924) and former school and convent (1899) to the listing for the chapel were considered.
680. I agree with the assessment of Ms Smith that the chapel, walkway, and former convent and school are each significant – both as a complex and as individual buildings – and each individual building meets the criteria and thresholds for inclusion in SCHED1. I also agree with her recommendation to amend the title for the listing.

4.11.2.2 Summary of recommendations

681. **HS3-Rec154:** That SCHED1 should continue to include item 120, particularly the Our Lady Star of the Sea Chapel, former convent and school, and covered walkway, but excludes other

buildings and structures on the site including the convent (1959), detached houses, and swimming pool.

682. **HS3-Rec155:** SCHED1 should be amended to replace the words “Stellamaris Retreat House” with “school and convent (former)”.
683. **HS3-Rec156:** That submissions on Our Lady Star of the Sea Chapel and Stellamaris Retreat House in Schedule 1 are accepted/rejected as detailed in Appendix B.

Gordon Wilson Flats

684. Te Herenga Waka Victoria University of Wellington [106.28 (opposed by Heritage NZ FS9.48 and Wellington’s Character Charitable Trust FS82.158)]: Remove Item 299 (Gordon Wilson Flats).
685. Oliver Sangster [112.18]: Remove Item 299 (Gordon Wilson Flats). The submitter also [112.8] seeks that the demolition or alteration of any kind of Item 299 (Gordon Wilson Flats) on SCHED1 – Heritage Buildings be a permitted activity.
686. VicLabour [414.60]: considers the Gordon Wilson Flats are an example of where heritage protection has gotten in the way of the city’s priorities.

Reasons

687. Submitters consider that the Gordon Wilson Flats have insufficient heritage value to warrant inclusion in the Heritage Schedule, there are no reasonable alternatives to total demolition considering the maintenance, repair and seismic strengthening required, it is unusable in its present state, it does not fit current needs, the cost would make refurbishment and conversion a financial failure and flats should be demolished to make way for more housing near our city centre and Victoria University.
688. Submitters in opposition note the Flats are entered in the NZ Heritage List/Rārangī Kōrero as a Category 1, contemporary strengthening options for repurpose and reuse should be sufficiently explored, and the building has unique attributes and history.

4.11.2.3 Assessment

689. The Gordon Wilson Flats are often given as an example typifying the tensions between heritage protection, architectural preference and redevelopment.
690. Perhaps unsurprisingly, submissions have been received both in support and in opposition to its scheduling in SCHED1 of the PDP.
691. Ms Smith sets out contextual background to the building’s scheduling in her Statement of Evidence where she identifies that the recommendation of Plan Change 81 in May 2016 which would have seen it delisted was appealed to the Environment Court.

692. The Court concluded at that time that the building did have significant heritage value while also acknowledging resilience issues.
693. The building has subsequently been classified as a Category one Historic Place by HNZPT in February 2021.
694. Ms Smith has identified that the Court determined that an assessment of reasonable alternatives to demolition could be considered through the scrutiny of a resource consent application.
695. In my view the two questions that need to be answered considering submissions are the same ones which have been asked throughout proceedings relating to this building namely:
- a) Does the building have significant heritage value; and
 - b) What is the most appropriate process to determine whether demolition/delisting is appropriate considering the information provided?
696. In response to question a) Ms Smith's assessment of the values of the building is that its significance has not changed, such that it is eligible for entry on SCHED1 – Heritage Buildings. She has reached this conclusion after reviewing the Historic Heritage Evaluation for the building, which has been updated in August 2021. I accept her advice on this matter.
697. My second proposition b) asks which process is the most appropriate to consider the request to remove the building from the heritage schedule.
698. Considering the information that I have in front of me, my view is that the consideration through the resource consent process remains the most appropriate pathway to consider the significant heritage values of the building, and whether there are reasonable alternatives to total demolition.
699. In reaching this conclusion I note that the PDP provisions do not prohibit the total demolition of heritage buildings. Instead, they direct that demolition be avoided unless decision makers can be satisfied that reasonable alternatives have been exhausted. The PDP provisions specify what these reasonable alternatives are that need to be considered, within the scope of a Discretionary activity status.
700. I note that as opposed to the ODP (which is still in effect) with its Restricted Discretionary activity status narrowly focussed on 'historic heritage', the Discretionary activity status enables a wider consideration of effects.
701. Accordingly, based on the information in front of me, I cannot be certain that removing the building from the Heritage Schedule is the most efficient and effective option, considering the provisions of both the ODP and the PDP which would need to be satisfied. I therefore

recommend the building remain in SCHED1, with demolition assessed against the eventually confirmed provisions of the PDP.

4.11.2.4 Summary of recommendations

702. **HS3-Rec157:** That SCHED1 continues to include item 299, 320 The Terrace, Gordon Wilson Flats.
703. **HS3-Rec158:** That submissions on Gordon Wilson Flats in Schedule 1 are accepted/rejected as detailed in Appendix B.

Johnsonville Masonic Hall

704. Ngatiawa Russell Masonic Lodge 345 [78.1 (opposed by Johnsonville Community Association Inc FS114.1)], The Coronation Lodge [149.1 (opposed by Johnsonville Community Association Inc FS114.2)], Stephen Inzon [177.1 (opposed by Johnsonville Community Association Inc FS114.3)] and Johnsonville Masonic Hall [236.1 (opposed by Johnsonville Community Association Inc FS114.4): Remove Item 366 (Johnsonville Masonic Hall).

Reasons

705. Submitters consider the Johnsonville Masonic Hall was purpose built for the use of Freemasons and is of no symbolic, traditional or cultural value to the local Masonic community, inclusion reduces future development potential of the site and future value of the building in a commercial sense.
706. Johnsonville Community Association Inc considers Johnsonville has very few old, protected buildings and does not have enough community halls and indoor spaces, noting it would be used more if known by the community as being available for meetings etc.

4.11.2.5 Assessment

707. Ms Smith's assessment has identified that the Johnsonville Masonic Hall is one of the oldest surviving purpose-built masonic buildings in Wellington, and is the only one that retained its original use for over 110 years. Furthermore, it is one of the few listed heritage buildings in Johnsonville and is one of the oldest surviving non-residential buildings in the suburb.
708. Her assessment is that the building has significant historic, physical (architectural, integrity, age), and is rare and representative and that it continues to meet the criteria for listing in the PDP. I agree with Ms Smith's recommendation.

4.11.2.6 Summary of recommendations

709. **HS3-Rec159:** That SCHED1 continues to include item 366, Johnsonville Masonic Hall, 25-29 Phillip Street.
710. **HS3-Rec160:** That submissions on Johnsonville Masonic Hall in Schedule 1 are accepted/rejected as detailed in Appendix B.

20 Austin Street

711. Philip Cooke [465.4 and 465.5 (opposed by Mt Victoria Historical Society Inc FS39.10 and FS39.11)] seeks that Item 471 (20 Austin Street) is only included in SCHED1 if the surrounding buildings are included within the Character Precinct Boundary or that it is removed from SCHED1.

Reasons

712. The submitter considers that 20 Austin Street is highly modified from the original Victorian building and relies on the surrounding buildings for scale and context, and that 20 Austin Street's contribution to the townscape is not in isolation nor is it held in high public esteem by the local community without the context of the surrounding buildings.

4.11.2.7 Assessment

713. Ms Smith's assessment responds to the submission points of Mr Cooke, including those relating to works to the roof of the building. She concludes that the building has significant architectural values, significant integrity, and is significant as a fine rare and representative example of an early Italianate villa, and that accordingly it should continue to be included on SCHED1. She holds this view noting that the assessment relies substantially on evidence from the 1980s building consent drawings that is difficult to verify. I agree with Ms Smith's assessment that the building should continue to be listed.

714. I note in response to the submitters position on character areas, that the s42A report for Hearing 2 has recommended the extension of character precincts into this area.

4.11.2.8 Summary of recommendations

715. **HS3-Rec161:** That SCHED1 continues to include item 471, 20 Austin Street.

716. **HS3-Rec162:** That submissions on 20 Austin Street in Schedule 1 are accepted/rejected as detailed in Appendix B.

Former Primitive Methodist Church

717. Andrew Gan [136.1], Wellington Chinese Baptist Church [144.1 (opposed by Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzel, Michelle Woodland, Lee Muir FS68.5)], Hannah Gap [145.1], Tim Appleton [181.1] and Aimee Poy [272.1]: Remove Item 490 (Former Primitive Methodist Church).

Reasons

718. The submitters note the church has a long term plan to redevelop the building into a modern complex to suit the needs of the community in the near future and listing will negatively impact or make impossible future development, more old buildings in Newtown do not need to be protected, cost effective housing is needed, the owners should be able to decide whether to redevelop and the buildings next to the church do not have a nice look and are not in keeping with the main church building.

719. A submitter in opposition to delisting notes that the area and street is part of their submission to make a character precinct or a heritage area.

4.11.2.9 Assessment

720. Ms Smith's assessment details background to the previous plan change process which this building was part of. 24 Donald McLean Street was included in DPC53 when the plan change was notified in 2007. The hearings panel recommended that 24 Donald McLean Street should be included in SCHED1. The decision was appealed by the owners, but this was withdrawn following mediation. She further notes that at the time of DPC 53, the church was subject to the pre-1930 demolition rule that made alterations to the street façade a discretionary restricted activity in the ODP

721. Ms smith considers the building meets the listing criteria and should be included in the schedule. I agree with her recommendation, especially given that the character precinct provisions which would apply to this building given its age do not extend to this site in the notified PDP, nor the recommended amendments in the s42A report.

4.11.2.10 Summary of recommendations

722. **HS3-Rec163:** That SCHED1 includes item 490 – 24 Donald McLean Street, Former Primitive Methodist Church.

723. **HS3-Rec164:** That submissions on Former Primitive Methodist Church in Schedule 1 are accepted/rejected as detailed in Appendix B.

Robert Stout Building

724. Te Herenga Waka Victoria University of Wellington [106.29 (opposed by Historic Places Wellington Inc FS111.27)]: Remove Item 497 (Robert Stout Building (PT TOWN BELT TN OF WELLINGTON)).

Reasons

725. The submitter considers the building has insufficient heritage value to warrant inclusion in the Schedule. The submitter in opposition notes it is on the NZ Heritage List/Rārangi Kōrero and considered it to be nationally significant.

4.11.2.11 Assessment

726. Ms Smith's assessment is that the building does meet the criteria for listing, and agrees with the Heritage Evaluation report that the building has significant historic, physical (architectural, townscape, group, integrity), and social values, and is representative. I agree with her assessment.

727. She further recommends that a curtilage control should be added in the same way and same extent as the Hunter Building (#171). I similarly agree with this assessment.

4.11.2.12 Summary of recommendations

728. **HS3-Rec165:** That SCHED1 should continue to include item 497, the Robert Stout Building.
729. **HS3-Rec166:** That SCHED1 and the interactive map should be updated to include the same curtilage as item 171, Hunter Building, Victoria University, 21 Kelburn Parade.
730. **HS3-Rec167:** That submissions on Robert Stout Building in Schedule 1 are accepted/rejected as detailed in Appendix B.

Penthouse Cinema

731. Wellington Amusement Holdings [22.1]: Remove Item 505 (Penthouse Cinema).

Reasons

732. The submitter considers the portion of the cinema identified to justify the listing does not have sufficient heritage value and retention and strengthening of this portion of the building compromises redevelopment options, including the continuation of viable cinema activities.

4.11.2.13 Assessment

733. Ms Smith's assessment details the engagement council officers have had with the owners Iain and Sandra McLeod since on the possible extent of a heritage listing and to understand the challenges and development aspirations they hold. She details that Council officers agreed to a partial listing, focussed on the building's Art deco façade. Ms Smith considers this extent meets the significance criteria and should continue to be listed.
734. I agree with Ms Smith and consider that the notified proposal finds a reasonable balance recognising the heritage values of the building while allowing for redevelopment of the balance of the site. A resource consent has already been granted for a development proposal which retains the façade.

4.11.2.14 Summary of recommendations

735. **HS3-Rec168:** That SCHED1 should continue to include item 505, the Penthouse Cinema.
736. **HS3-Rec169:** That submissions on Penthouse Cinema in Schedule 1 are accepted/rejected as detailed in Appendix B.

274 Oriental Parade

737. Wharenui Apartments Ltd [358.3 and 358.4]: Remove Item 509 (274 Oriental Parade).

Reasons

738. The leasehold company that owns the apartments do not support this listing, a listing imposes significant costs and restrictions on the maintenance of the building, the heritage values are not considered to warrant additional costs and restrictions linked to the listing, and the architectural style is less coherent than suggested by officers and does not warrant listing.

4.11.2.15 Assessment

739. Ms Smith has considered the submission of the company which owns the building, concluding that the building does meet the criteria for listing and accordingly should remain on the Schedule. I agree with her assessment on the merits of the building.

740. I also agree with her recommendation that a curtilage be added to the site for the application of the rule managing new buildings on the site of heritage buildings. I consider that the extent she proposes sufficiently responds to the submitters concerns about a reduction in development potential.

4.11.2.16 Summary of recommendations

741. **HS3-Rec170:** That SCHED1 item 509 should continue to include item 509, Wharenui Apartments, 274 Oriental Parade, with a curtilage as mapped in Figure 9.



Figure 9: Recommended curtilage for Wharenui apartments

742. **HS3-Rec171:** That submissions on 274 Oriental Parade in Schedule 1 are accepted/rejected as detailed in Appendix B.

280 Oriental Parade - Olympus Apartments

743. Olympus Apartments [473.1 and 473.2]: Remove Item 510 (280 Oriental Parade).

Reasons

744. The submitter considers that the added cost of any improvements or maintenance if the building is designated historic is concerning, especially as many owners are retired and on fixed incomes.

4.11.2.17 Assessment

745. Ms Smith's assessment has responded to the submitters points with respect to what makes the Olympus Apartments unique given that other Ancombe buildings are also included on the heritage schedule. She points to this building being the last such apartment building to be designed in his signature style and a highly intact example.
746. She concludes that the building has significant historic, physical (architectural, townscape, group, integrity), and social values, and considered the place to be rare, and representative. I agree with Ms Smith's assessment.

4.11.2.18 Summary of recommendations

747. **HS3-Rec172:** That SCHED1 should continue to include item 510, 280 Oriental Parade, Olympus Apartments.
748. **HS3-Rec173:** That submissions on 280 Oriental Parade - Olympus Apartments in Schedule 1 are accepted/rejected as detailed in Appendix B.

139 Park Road (Gas Tank)

749. Wētā FX [364.1 and 364.2 (opposed by Sarah Cutten and Matthew Keir FS91.26)] and WingNut Films Production Limited [467.1 (opposed by Sarah Cutten and Matthew Keir FS91.27)]: Remove Item 511 (139 Park Road).

Reasons

750. The submitters consider this location is the only one fitting the unique attributes the submitter needs to increase their crew members and provide workspaces for them in Miramar. Given this the Council needs to weigh the impacts of listings on jobs and the local economy in addition to the financial burden on the owner. In addition, they consider that the tank is predominantly a steel structure and has significant rust.

4.11.2.19 Assessment

751. Ms Smith's assessment has responded to the submitters concerns that such buildings cannot be adaptively reused. She has pointed towards examples where similar buildings within New Zealand and internationally have been successfully reused and identifies that this structure has been in use since the 1990s when it was decommissioned.
752. She concludes with the recommendation that the building meets the criteria for listing having significant historic, physical (townscape, technological, and integrity) values, and is representative. I agree with that assessment.
753. She also concludes that the item should be renamed 'Miramar Installation Bulk Storage Tank (former)'

4.11.2.20 Summary of recommendations

754. **HS3-Rec174:** That SCHED1 continues to include item 511 - 139 Park Road, Gas Tank (former) renamed as Miramar Installation Bulk Storage Tank (former).
755. **HS3-Rec175:** That submissions on 139 Park Road (Gas Tank) in Schedule 1 are accepted/rejected as detailed in Appendix B.

28 Robieson Street

756. Sarah Cutten and Matthew Keir [submission 415] Foster+Melville Architects Limited [141.9 (supported by Sarah Cutten and Matthew Keir FS91.8 and FS91.38)] and Graeme Webster [255.1 (supported by Sarah Cutten and Matthew Keir FS91.45)]: Remove Item 514 (28 Robieson Street).
757. Ian Atwood [FS 16.1, FS16.3 - FS16.5 and FS16.7 – FS16.9] and Sophie Kahn [FS76.4, FS76.6, FS76.7 and FS76.9] seek that 28 Robieson Street be removed from Schedule 1.

Reasons

758. Sarah Cutten and Matthew Keir lodged a substantial submission with the relief sought being that their property at 28 Robieson Street be removed from SCHED1 – Heritage Buildings.
759. It is advisable to read the submission in full, rather than relying on the summary of submissions given the substantial time, effort and detail which has been put into its preparation.
760. The submission is comprehensive and has a broad scope with both detail on the effect of the proposed listing on themselves as well as analysis of the Council’s interpretation of its requirements to add privately owned property to a heritage schedule. The submission addresses the following matters:
- a) Heritage listing on the property could incur risks, costs and stress to the owners, who wish to renovate the house;
 - b) Council has misinterpreted their obligations to provide for the protection of heritage under the purpose of the RMA. Council has focused on regulatory solutions alone and has dismissed any consequences or costs of their regime as inconsequential;
 - c) Heritage listings would have a direct impact of \$319 million;
 - d) Heritage and building evaluation and classification from Council is weak, the evidence base for historic heritage section of the Section 32 evaluation is lacking transparency and accountability. Council has failed to effectively consider cost and benefits of protection of heritage;
 - e) Modern movement architects have a long history of contributing to public debate around affordable housing design, social housing, urban planning, and heritage. Many, including Bill Toomath and the Architecture Centre wrote or contributed to sustainable housing manifestos for architectural interest groups;
 - f) Council does not know how many existing scheduled heritage listings are private homes. It is notable that Wellington has nearly three times the number of houses protected relative to the total housing stock in Auckland;

- g) The increase is an additional 376 homes and means under the proposal, almost 1% of all the homes in Wellington will be protected and have their development restricted, in the suburbs and within walking distance of the city centre and transport hubs;
- h) Council is naturally incentivised to over-provide Heritage protection, and interest groups have similar incentives to Council. No non-regulatory mechanisms or options were considered in the PDP which misses an opportunity to rethink and rebalance how incentives work to better deliver on the requirement in the RMA to treat the protection of heritage with importance;
- i) There is a significant power imbalance between the Council and isolated homeowners in regard to heritage listings and the powers granted to consent authorities under the RMA to regulate are significant;
- j) Guidance should be reviewed when undertaking evaluations of the impacts of proposed policies and changes on community value, cost-benefit analysis and non-use and community values;
- k) There should be a fair and representative list of buildings for historic consideration;
- l) There are significant issue with the current heritage protection regime;
- m) There is a singular focus on a regulatory approach, and costs relating to owners on newly listed properties has been dismissed;
- n) There are issues with the Heritage Issues and Options report, including that it contains unsubstantiated claims, disputes findings within the paper;
- o) No non-regulatory incentive options for heritage protection or a collaborative or regional approach to heritage protection have been considered;
- p) Digital heritage provides many benefits over physical protection and may increase collective heritage value to society and should be considered;
- q) The Council has failed to identify the full range of effects and describe their scale and significance in regard to the listing;
- r) The Council has failed to include a level of information and certainty or properly identify risks in regard to the listing;
- s) Neighbouring houses, also designed by Toomath and more refined examples of the architect's design achievements have not been scheduled;
- t) there are several inaccuracies within the Historic Heritage Evaluation;
- u) the house needs extensive repairs, maintenance and upgrading, including the site would create further challenges for the owners and prevents alterations that enable appropriate use and enjoyment of indoor-outdoor flow; and
- v) the site is not highly visible from the road.

4.11.2.21 Assessment

761. Firstly, I acknowledge the substantial effort that Mr Keir and Ms Cutten have put into their submission, which is comprehensive and extensive.

762. I also acknowledge that it would have been beneficial for the submitters to have received the completed heritage evaluation for their property sooner than they did. While still delivered before the PDP was notified, earlier delivery would have enabled greater time for consideration

of its content and for the Council and the submitters to discuss its recommendation and substance.

763. I identify that Ms Smith has concluded that 28 Robieson Street has significant heritage value and recommends that it continues to be included on SCHED1 – Heritage Buildings. I agree with her assessment of the values of the building; and her responses with respect to submission points on building maintenance, corrections and amendments to the historic heritage evaluation, property value impacts and comparisons with Auckland Council’s heritage schedule.
764. I have turned my mind to the key points raised in Mr Keir and Ms Cutten’s submission with respect to the regulation of private property through heritage listings, and the consideration of non-regulatory options.
765. I start by responding to the submission points on the substance of the section 32 evaluation report. In my view the report examines the provisions (and schedules) of the PDP at a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from its implementation. The report is not dissimilar in detail to other s32 evaluations produced by other territorial authorities in evaluating a historic heritage chapter and schedules. I have included further detail earlier in this report detailing the process through which possible heritage listings were identified, prioritised and owners engaged.
766. Ms Smith’s evidence similarly helps build a package of information for yourselves as commissioners to consider whether the items proposed for addition to the heritage schedules and the provisions proposed to regulate them are the most efficient, effective and reasonable in light of other options available to the Council.
767. I note that despite a clear requirement under s6 of the RMA for councils to recognise and provide for the protection of historic heritage from inappropriate subdivision, use, and development as a matter of national importance, there is no comprehensive national direction on fulfilling this requirement (other than relevant parts of the NZCPS).
768. Historic heritage being defined in the interpretation of the Act as those natural and physical resources that contribute to an understanding and appreciation of New Zealand’s history and cultures, deriving from archaeological, architectural, cultural, historic, scientific, and technological qualities, including historic sites, structures, places, and areas, archaeological sites of significance to Māori, including wāhi tapu; and surroundings (paraphrased).
769. There is direction under the RPS which the PDP must give effect to³. Policies 21 and 22 direct a methodology which local authorities in the region must apply to identify significant historic heritage and that policies, rules and/or other methods be included to protect significant historic heritage from inappropriate subdivision, use, and development.

³ Policies 21 and 22 in particular: [RPS-Full-Documents-December-2022-Updated.pdf \(govt.nz\)](https://www.govt.nz/assets/Uploads/RPS-Full-Documents-December-2022-Updated.pdf)

770. Both s6 of the Act and the RPS therefore take a broad view of historic heritage which addresses private and publicly owned places. The regulatory context is set out more fully in the relevant [s32 report](#).
771. I disagree that no non-regulatory mechanisms or options were considered in the PDP. I point to the Historic Heritage advice note in Appendix 1, the availability of Heritage Resilience and Regeneration Fund, the free provision of advice from Council's heritage advisors, rates remissions on seismic strengthening works, and resource consent fee reimbursements as non-regulatory methods or incentives for owners of scheduled places. However, accept that these mechanisms are only available to places that are regulated by the district plan.
772. Perhaps the tension that is identified here is whether something can be 'heritage' if not identified in a district plan, and if so could or should it be supported by the Council through non-regulatory methods such as funding or advice.
773. To that I accept that there are places not on the heritage schedules that may or do have heritage value, noting that places can be listed by HNZPT but not yet included in a district plan. Being on the district plan heritage schedules is a key entry criterion which must be met to access funding through the Heritage Resilience and Regeneration Fund, which leaves the provision of guidance and guidance is the only contribution Council can provide. Such a method *may* help to protect historic heritage from inappropriate subdivision, use or development, but does not provide a level of confidence that it *will*.
774. I have considered whether a place can be recognised in a district plan as having significant heritage values, but not be subject to any provisions in a district plan to manage heritage values. I have also considered whether a place can be recognised as having heritage value, but not included in a district plan (as I understand is more consistent with the submitter's view).
775. In my view, without identifying places in the district plan therefore making them subject to historic heritage provisions (with particular reference to policies and rules) there is little ability for councils to fully ensure their responsibilities under s6 and the RPS are met. These places could be inappropriately subdivided, used or developed with adverse effects on heritage values without council's oversight, and result in Council not fulfilling its obligations under the Act and RPS. Scheduling places in the PDP is also consistent with the Strategic Objectives of the PDP, notably HHSASM-O1, that 'Significant buildings, structures, areas, and sites that exemplify Wellington's historical and cultural values are identified, recognised and protected'.
776. I recognise that there are other mechanisms such as heritage orders or covenants between parties which can also have the effect of protecting heritage values. As I understand it, neither of these mechanisms are relevant with respect to 28 Robieson Street.
777. With respect to concerns about the impacts of the heritage provisions on the ability to maintain and repair the building which is noted as in need of some work – I note that works including to

the exterior of the building that fall within the scope of 'maintenance and repair' as relates to the historic heritage chapter are permitted. There is no resource consent requirement for these works, nor is there for any internal works to the property. Resource consent would be required on the other hand for activities including additions, alterations, new buildings on the site, subdivision and earthworks.

778. With respect to additions and alterations, the intent of the PDP provisions is to provide for these where undertaken in a way that does not detract from heritage values. That is, there is an obligation in the resource consent process to look proactively for reasons to grant resource consent, with particular reference to works that implement HH-P4 'Enabling approach to works'.
779. On the matter of digital heritage preservation, while I agree this has merit, in my view the value of such a form of heritage preservation is in the context identified by the submitter- when buildings no longer remain, rather than when they do as is the case with 28 Robieson St. On the related matter of visibility, I agree with Ms Smith that this is not a requirement of a place having significant heritage value, but it may contribute to a place having group or townscape value.
780. While I agree with Ms Smith on the values of the significance of 28 Robieson street, I also identify that a nomination received from the supportive owners of 61 Hankey Street, has values like that of 28 Robieson Street. It was also designed by Bill Toomath. This property has subsequently been evaluated and confirmed to also have significant heritage value. In light of this I would advise that the Panel in determining a pathway forward for 28 Robieson street, first reach conclusions for 61 Hankey street, such that the Panel may conclude the values intended to be recognised and provided for may accordingly be met.

4.11.2.22 Summary of recommendations

781. **HS3-Rec176:** That SCHED1 continues to include item 514 former Toomath House, 28 Robieson Street, renamed to 'Toomath House (former).
782. **HS3-Rec177:** That submissions on Item 514 former Toomath House are accepted/rejected as detailed in Appendix B.

Sutch-Smith House

783. Shirley Smith Family Trust [187.1 (supported by Sophie Kahn FS76.10)]: Remove Item 519 (Sutch-Smith House).

Reasons

784. The submitters consider the listing will have a detrimental effect on the overall value of the property while achieving no real benefit to it, the house will be better protected by the will of the family and the Trust than by a heritage listing.

4.11.2.23 Assessment

785. Ms Smith's assessment identifies that this property is one of the largest and most awarded examples of Austrian architect Ernst Plishcke.

786. Ms Smith considers that it has significant historic values, physical values (architectural, integrity), and social values, and to be rare and representative. I agree with that assessment.
787. With respect to whether heritage listing is a less effective method to recognise the values of the building than management through a family trust; in my view these serve different purposes, where a district plan listing recognises heritage for community awareness, appreciation and benefit, which is not necessarily the case in absence of a listing.

4.11.2.24 Summary of recommendations

788. **HS3-Rec178:** That SCHED1 continues to include item 519, 79A Todman Street, Sutch-Smith House.
789. **HS3-Rec179:** That submissions on Item 519, 79A Todman Street, Sutch-Smith House are accepted/rejected as detailed in Appendix B.

Kahn House

790. Sophie Kahn [161.4 (opposed by Heritage NZ FS9.47, Wellington's Character Charitable Trust FS82.156 and Historic Places Wellington Inc FS111.26 and supported by Ian Attwood FS16.13 - FS16.18 and Sarah Cutten and Matthew Keir FS91.2, FS91.6, FS91.9, FS91.35, FS91.39)]: Remove Item 520 (Kahn House).
791. Sophie Kahn [161.2 (supported by Ian Attwood FS16.11 and Sarah Cutten and Matthew Keir FS91.33)] seeks that only public owned structures should be listed as heritage in the PDP, unless privately owned property has the agreement of an owner.
792. Sophie Kahn [162.3 (supported by Ian Attwood FS16.12 and Sarah Cutten and Matthew Keir FS91.34)] considers that the Council should offer to purchase those homes it proposed to list when owners are not supportive of listing.

Reasons

793. Submitters consider the listing is causing emotional distress and is the submitter's sole asset, the house needs alterations, the listing could see significant diminution in capital value, sufficient examples of Plischke's work, both private and public commissions are already listed by Heritage New Zealand and proposed in the District Plan.
794. Some submitters note that the Kahn House is included in the NZ Heritage List/Rārangī Kōrero as Category 1, which is sufficient basis for it being included in the heritage schedule in the PDP.

4.11.2.25 Assessment

795. Ms Smith has responded to many elements of Sophie Kahn's submission including potential impacts on property value and a comparative analysis of other buildings of Plischke. I agree with her analysis, noting that I am also not a registered valuer.

796. Ms Smith also identifies that submissions have been received in support of listing from Heritage NZ (FS9.47), Wellington's Character Charitable Trust (FS82.156) and Historic Places Wellington Inc (FS111.26) who identify that 53 Trelissick Crescent is listed as a Category 1 Historic Place which denotes a place of special or outstanding historical or cultural significance or value.
797. Given Ms Smith's assessment that the building meets the criteria for listing and the obligation to have regard to the HNZPT Heritage List, I agree with Ms Smith's recommendation that the building be listed.

4.11.2.26 Summary of recommendations

798. **HS3-Rec180:** That SCHED1 includes item 520 – 53 Trelissick Crescent, Kahn House.
799. **HS3-Rec181:** That submissions on item 520 – 53 Trelissick Crescent, Kahn House are accepted/rejected as detailed in Appendix B.

18 Vera Street (Firth House)

800. Opoutere Trust [3.1 (supported by Sophie Kahn FS76.2 and FS76.3 and Sarah Cutten and Matthew Keir FS91.1 and FS91.32)]: Remove Item 521 (18 Vera Street).
801. Nicola Crauford [208.1]: Remove Item 521 (18 Vera Street).
802. Ian Attwood [79.1 (supported by Sophie Kahn FS76.1 and Sarah Cutten and Matthew Keir FS91.7)]: Remove Item 521 (Firth House).

Reasons

803. Submitter's reasons for the removal include disagreement with the Council's heritage assessment that the house is 'largely unmodified' and the original house no longer represents the original concepts and designs, the process for identification of homes for listing is poorly evidenced, apparently random and without justification, and for the owner of a private suburban home severe outcomes are evident.

4.11.2.27 Assessment

804. Ms Smith has responded in detail to the points raised in the submission about the level of representativeness and the physical values of the building. She partially agrees with the submitter that these have not been especially well established. She does though consider that the house has significant historic and physical (architectural, integrity) values.
805. With respect to the alterations that have been undertaken and noted by the submitter, Ms Smith concludes that these do not detract from the values of the place, especially given the association with architect and writer Cedric Firth and that it still meets the criteria for listing. I agree with her assessment.

4.11.2.28 Summary of recommendations

806. **HS3-Rec182:** That SCHED1 continues to include item 521, 18 Vera Street, Firth House (former).

807. **HS3-Rec183:** That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B.

154 Victoria Street

808. Singvest Group Limited [129.2 (supported by Sarah Cutten and Matthew Keir FS91.24)]: Remove Item 522 (154 Victoria Street – Commercial Building).

Reasons

809. Submitters consider the decision to include this building was not conducted fairly or followed due process, incorrect conclusions were drawn from the assessments from David Kernohan and Mark Leong and the building is at risk of becoming uninhabitable after March 2026 as it is also designated as earthquake prone.

4.11.2.29 Assessment

810. Ms Smith has considered the expert evidence of Mr David Kernohan (for the submitter) relative to the conclusions of the heritage report completed for the Council. She carefully weighs up the relative criteria for listing in question: Rarity, Representativeness, Physical values – group & integrity and Historic values.
811. After considering the merits of both pieces of evidence and undertaking a comparative analysis, she concludes that the building should be omitted from SCHED1- Heritage Buildings. I agree with her assessment.

4.11.2.30 Summary of recommendations

812. **HS3-Rec184:** That SCHED1 is amended to omit item 522, 154 Victoria Street.
813. **HS3-Rec185:** That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B.

134 Willis Street

814. Mark Whitaker Levett [7.1 (opposed by Heritage NZ FS9.43 and supported by Sarah Cutten and Matthew Keir FS91.11 and FS91.12)]: Remove Item 524 (134 Willis Street).

Reasons

815. The submitters consider that very little of the original heritage features of the building exist currently and the building has undergone numerous construction changes, and heritage value is higher in buildings that are in original and good condition. Heritage NZ notes that 134 Willis Street is included as a Category 2 place and has heritage values to support its inclusion in Schedule 1.

4.11.2.31 Assessment

816. Ms Smith's assessment has identified that this building is one of the oldest remaining commercial buildings in the city, dating to c.1868. It is listed by HNZPT as a category 2 historic place to which regard must be had to including on the district plan heritage schedule.

817. She has identified that building condition has been considered by HNZPT in its listing and given that work was undertaken recently I have no reason to believe that it would be no longer correct.
818. Ms Smith concludes that the building has significant heritage value and as such should remain on the heritage schedule. I agree with that assessment.

4.11.2.32 Summary of recommendations

819. **HS3-Rec186:** That SCHED1 should continue to include item 524, 134 Willis Street.
820. **HS3-Rec187:** That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B

233 Willis Street

821. CAMJEC Commercial Limited [268.1], Julie-Anne Daysh [330.1] and Cho Yam Chan [335.1]: Remove Item 525 (233 Willis Street).

Reasons

822. The submitters consider this building does not meet requirements to be listed as a heritage item, resource consents have been granted to build apartment buildings on the site, the theme and integrity of the original design has been lost, there is little community recognition of the site and there are other Anscombe buildings in the heritage list worth preserving.

4.11.2.33 Assessment

823. Ms Smith's assessment identifies that this building was proposed for listing by commissioners as part of Plan Change 58. Given that it is not listed at present this did not eventuate as the owners did not want the building to be listed.
824. In the intervening time, alterations have taken place to the building, including replacement of some windows.
825. Ms Smith's assessment concludes that the building does have significant heritage values and meets the threshold for listing in the district plan.
826. A resource consent was granted for demolition and the development of a new building in October 2021. Given that resource consents have a lifespan of 5 years until they lapse, the owner has a period to implement their consent.
827. Ms Smith's recommendation is that the building should continue to be listed (at least until it is demolished).
828. I have no reason to believe that the owner will not implement their consent. Having also reviewed the granted resource consent and having weighed the merits of listing a building with

a consent to demolish, I am inclined to disagree that the building continue to be listed. I consider that it will be inefficient to include a building on the schedule only to have to undertake a plan change to remove it when it is demolished. It would also be confusing to the public and potentially complicating in a regulatory sense should any changes of conditions or alterations to the resource consent be applied for and the building listed in the interim.

4.11.2.34 Summary of recommendations

829. **HS3-Rec188:** That item 525, 233 Willis Street is omitted from SCHED1.
830. **HS3-Rec189:** That submissions on item 525, 233 Willis Street are accepted/rejected as detailed in Appendix B

4.11.3 Submissions to amend item in schedule

Accuracy of listing details and listing use

831. Heritage NZ [70.44 (supported by Sarah Cutten and Matthew Keir FS91.13)]: Check entries for accuracy in terms of address, legal descriptions and Heritage New Zealand Listing number.
832. Heritage NZ [70.45 (supported by Sarah Cutten and Matthew Keir FS91.14)]: Amend Item 164.2 (Cemetery Lychgate) as follows: (HNZPT #) Historic Place Category 2, 1362-1400.
833. Heritage NZ [70.46 (supported by Sarah Cutten and Matthew Keir FS91.15)]: Amend Item 165 (Jewish Chapel (former)) as follows: (HNZPT #) Historic Place Category 2, 1362.
834. Heritage NZ [70.47 (supported by Sarah Cutten and Matthew Keir FS91.16)]: Amend Item 179 (Government Buildings) as follows: (Address) ~~45~~ 55 Lambton Quay.
835. Heritage NZ [70.48 (supported by Sarah Cutten and Matthew Keir FS91.17)]: Amend Item 187 (Old BNZ Building 2) as follows: Historic Place Category 2, 1336.
836. Heritage NZ [70.49 (supported by Sarah Cutten and Matthew Keir FS91.18)]: Amend Item 220 (All Saints' Church) as follows: (Address) ~~94~~ 90 Hamilton Road.
837. Heritage NZ [70.50 (supported by Sarah Cutten and Matthew Keir FS91.19)]: Amend Item 227 (St Annes Church) as follows: (Legal Description) ~~Lot 2 DP 82032 – subj to electricity easement~~ Lot 1 DP 90016.
838. Heritage NZ [70.51 (supported by Sarah Cutten and Matthew Keir FS91.20)]: Amend Item 234 (Wellington Central Fire Station) as follows: (HNZPT #) ~~3654~~ 3645.
839. Heritage NZ [70.52 (supported by Sarah Cutten and Matthew Keir FS91.21)]: Amend Item 274 (Missions to Seamen Building) as follows: (HNZPT #) ~~3411~~ 3611.
840. Heritage NZ [70.53 (supported by Sarah Cutten and Matthew Keir FS91.22)]: Amend Item 350 (St John's Church) as follows: (Name) St John's Presbyterian Church.

841. Heritage NZ [70.54 (supported by Sarah Cutten and Matthew Keir FS91.23)]: Amend Item 429 (Shop/dwelling) as follows: (Address) ~~149~~ 151 Cuba Street.
842. Te Herenga Waka Victoria University of Wellington [106.27 (supported by Heritage NZ FS9.44)]: Amend Item 171 (Hunter Building, Victoria University) as follows: Hunter Building (external building envelope), Victoria University.
843. Wellington City Council [266.180] seeks to re-order Schedule 1 alphabetically by street name.
844. Craig Palmer [492.50] seeks that SCHED1 Heritage Buildings are aggregated into defined areas of the city to enable the public to readily access a definitive list for the neighbourhood.

4.11.3.1 Assessment

845. Ms Smith has reviewed the amendments of HNZPT and concludes that they are accurate. I agree with her assessment.
846. I am supportive of the Council's submission point to alphabetise the schedules, as is my recommendation for the Notable Tree Schedule.
847. In response to Mr Palmer, my view is that the ePlan can achieve this purpose and if necessary council can provide information in this format.

4.11.3.2 Summary of recommendations

848. **HS3-Rec190:** That the amendments of HNZPT are made to the heritage schedules.
849. **HS3-Rec191:** That that heritage schedules are alphabetised.
850. **HS3-Rec192:** That submissions on the organisation and accuracy of the schedules are accepted/rejected as detailed in Appendix B.

Ranking of items

851. Foster+Melville Architects Limited [141.10]: seeks that consideration is given to the ranking of heritage items.

Reasons

852. The submitter considers that other authorities including Auckland Council and Heritage NZ recognise that some buildings are more significant than others and the blanket approach taken by Council makes it difficult to apply heritage in practice.

4.11.3.3 Assessment

853. My preference is that the PDP does not include a ranked list.

854. The submitter correctly identifies that many district plans do rank heritage buildings, typically into two or three groups based on whether they are nationally, regionally, or locally significant. Another common way is reflecting Heritage New Zealand’s Category 1 or 2 ratings.
855. In district plans with a ranked list, such as the Auckland Unitary Plan (AUP), the higher the rank a building has, the stricter the policy direction and activity status that applies for works to that building.
856. These differences are usually reflected in a tougher test for the total demolition or relocation of a building, whereas works to modify for reuse typically share a policy and rule framework (see AUP regime below).

Table D17.4.1 Activity table – Activities affecting Category A, A* and B scheduled historic heritage places [rcp – where reference is made in Chapter F to these rules applying]

		Primary feature Category A places	Primary feature Category A* places	Activities within the scheduled extent of place of Category A and A* places	Primary feature Category B places	Activities within the scheduled extent of place of Category B places	Features identified as exclusions
Development							
Demolition or destruction							
(A1)	Demolition or destruction of 70% or more by volume or footprint (whichever is the greater) of any feature	Pr	NC	NC	D	D	P - where the feature is free-standing P – for interior of building(s) where identified as an exclusion C – where the feature is connected to a scheduled feature

Modification and restoration							
(A9)	Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay.	RD	RD	RD	RD	RD	P

857. Neither the operative nor the notified PDP have adopted a ranking approach.
858. The current and proposed system in Wellington city relies on the preparation of detailed assessments for each heritage item to establish the heritage values and significance of a place. This assessment is undertaken against the significance criteria in Policy 21 of the RPS where at least one of the significance criteria needs to be met for a place to be considered for scheduling in the district plan. These criteria are reflected in the introduction to the Historic Heritage chapter.
859. The detailed assessments that have been prepared are used in the resource consent process to establish the level of effect of a proposed development on the actual heritage values of a place. In the case of proposed new listings in the notified PDP, these reports have been provided to owners.
860. There is no RMA requirement or direction in the RPS that councils must adopt ranking or categorisation systems. Additionally, there is currently an absence of national policy direction relating to historic heritage, including whether district plans should contain a ranked schedule or not.
861. I note that there is some guidance on the use of ranking or categorisation available on the Quality Planning website⁴ and in the HNZPT Sustainable Management of Heritage series.⁵ HNZPT support the categorisation of district plan lists as this can “enable places of special or outstanding historical and value to have greater recognition and protection, and also enable appropriate protection for other heritage items.” However, I note that a submission was not made by HNZPT seeking that the ranking of heritage places in the PDP.

⁴ *Identification of Historic Heritage*, Quality Planning website, MfE

<https://www.qualityplanning.org.nz/index.php/node/749>

⁵ *Sustainable Management of Historic Heritage, Guide No. 3, District Plans* (2007), HNZPT,

<https://www.heritage.org.nz/resources/-/media/b915e233b3ef447794f0037986ae2740.ashx>

862. Instead, I consider that the policy and rule framework should ensure fulfilment of statutory requirements under s6(f) and the RPS with respect to protecting historic heritage while still enabling necessary modifications to support sustainable long term uses and achieve resilience outcomes. In that way I prefer that the objectives, policies and rules are sufficiently enabling to provide for modifications and anticipate a degree of change to buildings provided that they are executed in a way that does not detract from their associated heritage values.
863. I do not agree as is the case in the AUP, that it would be appropriate to use even stricter activity statuses (such as prohibited) for the total demolition of some heritage items in light of the City's well established seismic vulnerability, even if those items were ranked highly for their regional or national importance. In my view there are sufficient and clear safeguards by way of the notified discretionary framework to determine that on balance there are no reasonable alternatives to demolition.
864. My view is that this test of 'reasonableness' allows a consideration of the relative national, regional or local significance of the building and its values against a demonstration of alternatives and their relative costs in concluding that there are no alternatives to demolition.
865. It would in my view not be efficient to require a plan change to be followed for removal of buildings.

4.11.3.4 Summary of recommendations

866. **HS3-Rec193:** That the heritage schedules are not ranked.
867. **HS3-Rec194:** That submissions on ranking are accepted/rejected as detailed in Appendix B.

Facades

868. Wellington Heritage Professionals [412.104] does not support the protection of facades only where heritage fabric exists in addition to the façade.

Reasons

869. The submitter considers that that this is likely to lead to adverse effects on heritage.

4.11.3.5 Assessment

870. I agree with the submitter that protection of facades only can lead to adverse effects on heritage values.
871. I note that there are listings in the ODP which are limited to facades or specific features of buildings only. These were typically arrived at through appeals on listings or due to modifications that have taken place prior to assessment and listing in the PDP. Where these are in heritage areas, any unlisted portion of a building is subject to the heritage area rules.

872. As part of the review of the heritage schedules for the PDP, all partial listings were reviewed with the view of considering amending the listing to a full listing for consultation through the PDP process where the presently unscheduled parts of buildings have heritage value that similarly meet the criteria for listing.
873. Those that remain partially listed in the plan are so because the remainder of the building does not possess sufficient value to be listed. Accordingly, while perhaps not ideal from a heritage perspective I consider that for some buildings only their facades may be worth protecting by the heritage rules.

4.11.3.6 Summary of recommendations

874. **HS3-Rec195:** That no amendments are made in response to Wellington Heritage Professionals [412.104].
875. **HS3-Rec196:** That submissions on facades are accepted/rejected as detailed in Appendix B.

State Insurance Building (former) (Heritage Order)

876. Argosy Property No.1 Limited [383.126 (opposed by Heritage NZ FS9.46)] seek to amend Item 181: State Insurance Building (former) (Heritage Order) as follows:

Entire external building envelope of former State Insurance Building. Listing excludes the 1998 three-storey addition designed by Athfield architects.

Reasons

877. The submitter considers the Heritage Inventory's recognition of the heritage values of the building is limited to the former State Insurance Building. It describes the Athfield addition as "large and somewhat incongruous", and contends that this addition does not have any heritage value and should be excluded from the heritage listing of 143 Lambton Quay in the DDP. Heritage NZ opposes this submission and notes that the building, including the 1998 addition, need to be read as a whole, and it is appropriate for the scheduled item to include the whole building.

4.11.3.7 Assessment

878. Ms Smith's assessment is that no change should be made to the listing because:
- a) Works to alter the addition should be assessed against the heritage provisions of the PDP;
 - b) The Heritage List / Rārangī Kōrero entry covers the entire building and the district plan is required to have regard to this;
 - c) There is little evidence to demonstrate the addition is intrusive or detracts from the values of the building; and
 - d) The listing could accrue heritage value over time.
879. I agree with Ms Smith's assessment.

4.11.3.8 Summary of recommendations

880. **HS3-Rec197:** That no changes are made to the listing for Item 181: State Insurance Building (former) (Heritage Order).
881. **HS3-Rec198:** That submissions on Item 181: State Insurance Building (former) (Heritage Order) are accepted/rejected as detailed in Appendix B.

1 Ranfurly Terrace extent of protections

882. Tony De Lorenzo [9.3]: Item 415 (1 Ranfurly Terrace), if not deleted in entirety, amend protections required.
883. Tony De Lorenzo [9.1 (supported by Sarah Cutten and Matthew Keir FS91.42)] considers that if the PDP is adopted the Council will make ownership of historic properties unaffordable for all except the wealthiest people in Wellington.

Reasons

884. The submitter notes that the current listing is unclear and too restrictive and will incur disproportionate costs to the owners.

4.11.3.9 Assessment

885. Ms Smith has set out the history as to how the house and its interior came to be listed. I accept the series of events set out as correct. I also agree that it is the only house with a fully scheduled interior. The property was nominated by the previous owner and subsequently included in the heritage schedule.
886. Ms Smith has reviewed Mr De Lorenzo's submission and identified she personally undertook a site visit of the property to determine which features identified in the ODP listing remain.
887. I note that Mr De Lorenzo considers that there is ambiguity in the provisions for repairs and maintenance and is concerned that painting the exterior of the house, replacing light bulbs and roofing material and gardening may require resource consent. In my view these generally meet the definition of maintenance and repair, but there are some works – for example painting over a previously unpainted surface like tiles or bricks – that may require resource consent.
888. I recognise that this property is the only one in the city with such a significant amount of its interior listed. Other properties only have some interior features listed. I understand the level of regulation is unusual and does mean additional steps for the property owner to follow to make any modifications needed to support a sustainable long term use. It remains however, and likely because of the current listing, the most original and best remaining example of heritage interiors known in the city.
889. I am inclined to agree with Ms Smith who is of the view that the house should not be removed from SCHED1 in its entirety.

890. Instead, she recommends that SCHED1 continues to include item 415, 1 Ranfurly Terrace, Emeny House, including interior features, with the schedule entry describing the outside of the building changed to “Entire external building envelope”. This is standard text used throughout the Schedule.
891. I accept Ms Smith’s view that the remainder of the entry could be changed to that requested by Mr De Lorenzo and that would be acceptable from a heritage perspective. I see no reason why this couldn’t be accepted given it does not change the extent of the listing.
892. If the panel were of the view that the extent of the listing was too far reaching – I note that there is a third option, not identified by the submitter, that only the exterior and front and/or rear gardens be listed. This is an option the panel may wish to consider.

4.11.3.10 Summary of recommendations

893. **HS3-Rec199:** That Item 415 (1 Ranfurly Terrace) of SCHED1 - Heritage Buildings is amended as detailed below:

Protections Required

~~All of the exterior of the house including the Entire external envelope-Exterior— facades, roofs roofline , chimneys and chimney pots.~~

~~All of the front garden including Front garden~~ – masonry front fence, piers, and metal gates; front garden formal layout including edging around planter beds; tiled path; tiled steps to entrance, rendered plinths, and tiled porch floor.

~~Specific items in the rear garden Rear garden~~ - three sections of masonry fence with plinth, bottle balusters, and top rail.

~~The interior of the house including any Interior- including any original~~ lath and plaster walls and ceilings; decorative plasterwork including ceiling roses, cornices and mouldings, and decorative plaster arches; timber floorboards; timber joinery including timber panelled doors, skirting boards, and architraves.

(...)

894. **HS3-Rec200:** That submissions on Item 415 (1 Ranfurly Terrace) of SCHED1 - Heritage Buildings are accepted/rejected as detailed in Appendix B.

Scots’ College Main Building

895. Scots College Incorporated [117.10 (supported by Heritage NZ FS9.45)]: Amend Item 219 (Scots’ College Main Building) by inserting Building curtilage for application of the historic heritage rules is mapped against the item, in a similar manner to the heritage listed Hunter Building on the large Kelburn Campus.

Reasons

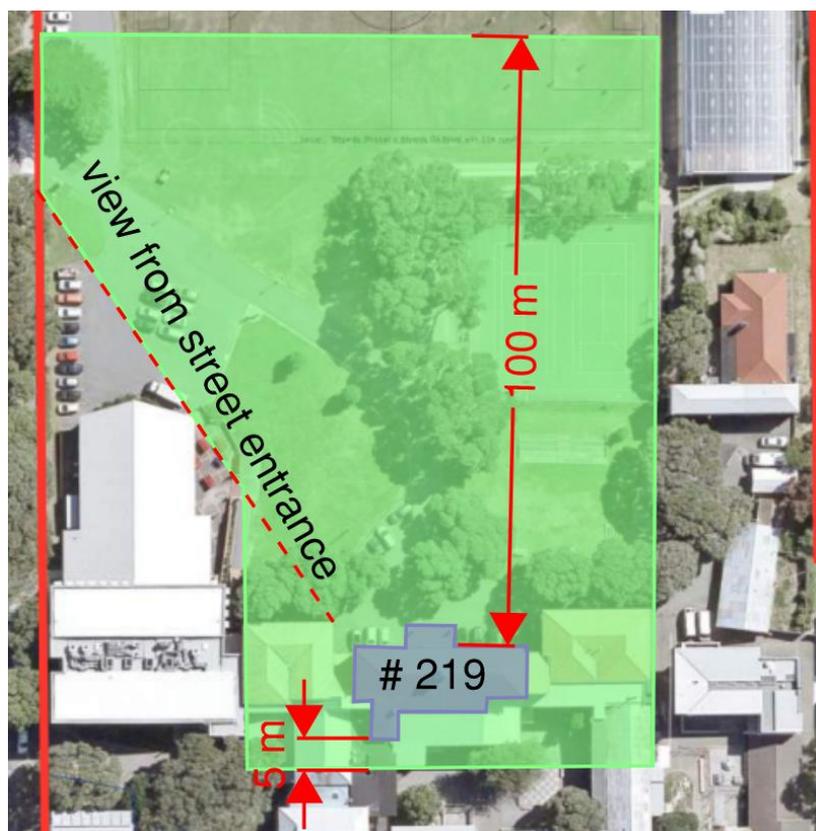
896. The submitters note that the maps do not identify the curtilage around the heritage listed main College building to limit the application of HH-R4 to the reasonable vicinity of the listed building.

4.11.3.11 Assessment

897. Ms Smith has assessed the submission of Scot's college Incorporated, and has concluded that it is appropriate that a curtilage control is introduced for the application of rules to manage new buildings on this large site. I agree with Ms Smith.

4.11.3.12 Summary of recommendations

898. **HS3-Rec201:** That the eplan maps be amended, along with SCHED1- Heritage Buildings to specify a curtilage around the Scot's College Main Building as detailed below:



899. **HS3-Rec202:** That submissions on Item 219 (Scots' College Main Building) are accepted/rejected as detailed in Appendix B.

4.11.4 Submissions to add item to schedule

Te Matapihi Wellington Central Library

900. Heritage NZ [70.38 and 70.39 (supported by Onslow Historical Society FS6.26, Sarah Cutten and Matthew Keir FS91.41 and Historic Places Wellington Inc FS111.25)], Historic Places Wellington [182.37] and Wellington's Character Charitable Trust [233.28 (partially supported/opposed: Sarah Cutten and Matthew Keir FS91.36)]: Include the Wellington Central Library (Te Matapihi).

Reasons

901. Submitters note that as the Wellington Central Library should be included as it has been included on the NZ Heritage List/Rārangī Kōrero. Another submitter notes that the efforts to delist the library is likely pragmatic and will save rate payers from significant excess expense.

4.11.4.1 Assessment

902. Ms Smith's assessment has noted the recent entry of the Central Library onto the Heritage List. She has also identified the architectural significance of the building and the awards it has won.
903. She has identified that a resource consent has been granted for retention and alteration of the building. This was lodged in response to a Council decision to retain the building. Given the level of change inevitable and already consented for the building she considers that reassessment against the significance criteria take place after works are completed. I agree with her assessment.

4.11.4.2 Summary of recommendations

904. **HS3-Rec203:** That the Wellington Central Library Te Mātapihi is not added to SCHED1.
905. **HS3-Rec204:** That submissions on the Wellington Central Library are accepted/rejected as detailed in Appendix B.

McLean Flats

906. Heritage NZ [70.40 and 70.41]: Include McLean Flats as either a separate listing or as part of the listing of the Gordon Wilson Flats (Item 299).

Reasons

907. The submitter notes the McLean Flats should be included as it has been included on the NZ Heritage List/Rārangi Kōrero as a Category 1 Historic Place.

4.11.4.3 Assessment

908. Ms Smith's assessment has accurately detailed how the listing of this building by HNZPT came about after the Council has already commenced engagement with building owners on proposed new listings. This is the same situation as Hurtson House, below.
909. Given that resource had already been allocated to completing the already committed assessments the officers had engaged over, this building was not subsequently included in a process to obtain a detailed heritage assessment of its merits against the RPS criteria.
910. I note that the owner (Victoria University of Wellington) has indicated that it intends to retain the building in its redevelopment of 320A and 320 the Terrace⁶.
911. Given that no engagement has been undertaken with the owner to date and that the Council does not have a detailed heritage assessment on the place, I agree with Ms Smith that it should not be added to the Heritage Schedule at this point, but that further work be undertaken.

⁶ [PowerPoint Presentation \(wgtn.ac.nz\)](http://www.wgtn.ac.nz) and [Our vision | Te Huanui | Victoria University of Wellington \(wgtn.ac.nz\)](http://www.wgtn.ac.nz)

4.11.4.4 Summary of recommendations

912. **HS3-Rec205:** That the McLean flats are not added to SCHED1.
913. **HS3-Rec206:** That submissions on the McLean Flats are accepted/rejected as detailed in Appendix B.

Hurston House

914. Heritage NZ [70.42 and 70.43] and Historic Places Wellington [182.38]: Include Hurston House.

Reasons

915. The submitter notes Hurston House should be included as it has been included on the NZ Heritage List/Rārangī Kōrero as a Category 2 Historic Place.

4.11.4.5 Assessment

916. Ms Smith's assessment has accurately detailed how the listing of this building by HNZPT came about after the Council has already commenced engagement with building owners on proposed new listings.
917. Given that resource had already been allocated to completing the already committed assessments the officers had engaged over, this building was not subsequently included in a process to obtain a detailed heritage assessment of its merits against the RPS criteria.
918. Given that no engagement has been undertaken with the owner to date and that the Council does not have a detailed heritage assessment on the place, I agree with Ms Smith that it should not be added to the Heritage Schedule at this point, but that further work be undertaken.

4.11.4.6 Summary of recommendations

919. **HS3-Rec207:** That Hurston House is not added to SCHED1.
920. **HS3-Rec208:** That submissions on Hurston House are accepted/rejected as detailed in Appendix B.

Joanna Newman and Mount Victoria Historical Society nominations

921. Joanna Newman [85.5] and Mount Victoria Historical Society [214.12 (supported by Wellington's Character Charitable Trust FS82.177)]: Include the following:
- a) 13 Austin Street
 - b) 67 Austin Street
 - c) 17 Brougham Street
 - d) 33 Brougham Street
 - e) 123 – 125 Brougham Street
 - f) 136/138 Brougham Street
 - g) 53 Ellice Street
 - h) 9 Hawker Street
 - i) 43 Hawker Street

- j) 71 Hawker Street
- k) 7 Paterson Street
- l) 58 Pirie Street
- m) 49 Porritt Avenue
- n) 23 Stafford Street
- o) 1 Tutchen Avenue
- p) 53 Ellice Street.

Reasons

922. The submitters consider that the listings are just as well justified as those that are already listed, they consider that 53 Ellice Street and 67 Austin Street were proposed to be included in the DDP and have been removed in the PDP.

4.11.4.7 Assessment

923. Ms Smith has accurately detailed that two of the requested houses were included in the DDP but removed from the PDP. This is because they do not meet the criteria for listing. I agree with her assessment.

924. I also agree with Ms Smith's recommendation that the remaining properties are not added to the Schedule at this time. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.11.4.8 Summary of recommendations

925. **HS3-Rec209:** That the nominations of Joanna Newman [85.5] and Mount Victoria Historical Society [214.12] not be added to SCHED1.

926. **HS3-Rec210:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Alan Olliver & Julie Middleton nominations

927. Alan Olliver & Julie Middleton [111.10 (supported by Wellington's Character Charitable Trust FS82.199)]: Include the following:

- a) 13 Austin Street
- b) 67 Austin Street
- c) 17 Brougham Street (Owd Trafford)
- d) 33 Brougham Street (Hutchinson's House / Women's House)
- e) 123-125 Brougham Street (Ionian Flats)
- f) 136/138 Brougham Street (Rev Moir's wife's houses)
- g) 53 Ellice Street
- h) 9 Hawker Street (Hamilton Flats)

- i) 43 Hawker Street (Bernard Freyburg's House)
- j) 71 Hawker Street (Paterson's House)
- k) 7 Paterson Street (William Waring Taylor's House)
- l) 58 Pirie Street (George Winder's House)
- m) 49 Porritt Avenue (Kate Edger's House)
- n) 23 Stafford Street (Wellington Harbour Pilot Holmes's House)
- o) 1 Tutchen Avenue (Wellington Harbour Pilot Shilling's House).

Reasons

928. The submitter considers that the listings are just as well justified as those that are already listed, they consider that 53 Ellice Street and 67 Austin Street were proposed to be included in the DDP and have been removed in the PDP.

4.11.4.9 Assessment

929. This is the same set of nominations put forward from Joanna Newman and the Mount Victoria Historical Society detailed in the previous subsection of this report. They can be added to the Council's database of heritage nominations for consideration later.

4.11.4.10 Summary of recommendations

930. **HS3-Rec211:** My recommendations are the same as those for Joanna Newman and the Mount Victoria Historical Society nominations that I do not recommend that these buildings are added to SCHED1.

931. **HS3-Rec212:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

61 Hankey Street

932. Angus Hodgson & Sebastian Clarke [86.1] and Mt Cook Mobilised [331.22]: Include 61 Hankey Street.

Reasons

933. The submitter considers that the Boffa Miskell report on pre-1930s Character Area review (2019) identified 61 Hankey Street as being of potential historic significance, and worthy of consideration, the property received New Zealand Institute of Architects Wellington Branch - Enduring Architecture Award 2004, it has significant architectural values and meets many heritage value criteria.

4.11.4.11 Assessment

934. Ms Smith undertook assessment of 61 Hankey Street (Dobson House) against the scheduling criteria in the RPS in March 2023 in response to the nomination by supportive owners.

935. Her assessment has concluded that the house was design by Bill Toomath and Derek Wilson in 1958 and that it has significant heritage value as a rare example of a fine modernist house with significant integrity. She recommends inclusion on SCHED1. I agree with her assessment.

936. The report was circulated to the owners for comment ahead of the publication of this s42A report.

4.11.4.12 Summary of recommendations

937. **HS3-Rec213:** That 61 Hankey Street (Dobson House) is added to SCHED1.

938. **HS3-Rec214:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Historic Places Wellington nominations

939. Historic Places Wellington [182.39 – 182.44] and Wellington’s Character Charitable Trust [233.30 – 233.35]: Include the following:

- a) Wilkinson holiday flats at 5-7 and 9-11 Grass Street.
- b) Newman House at 15 and 17 Hawkestone Street.
- c) Samuel Brown House at 22 Hanson Street.
- d) Burns Upholsterer at 47-49 Martin Square.
- e) Coffey House at 230 Oriental Parade.
- f) The Salvation Army Citadel on Jessie Street.
- g) Hurston House at 1 Mersey Street.

Reasons

940. Submitters note that these proposed listings either relate to significant historic social identities, rare survivors of an early colonial period, or have special architectural significance.

4.11.4.13 Assessment

941. Ms Smith concludes that the nominations provided could well be good candidates for further research based on the detailed information provided by the submitter. She does not recommend them for inclusion on SCHED1 at this time. I agree with this assessment.

942. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council’s Heritage Team’s database of nominations for detailed heritage evaluations.

4.11.4.14 Summary of recommendations

943. **HS3-Rec215:** My recommendations are the same as those for Joanna Newman and the Mount Victoria Historical Society nominations that I do not recommend that these buildings are added to SCHED1. They can be added to the Council’s database of heritage nominations for consideration at a later date.

944. **HS3-Rec216:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Wellington Civic Trust nominations

945. Wellington Civic Trust [388.119 and 388.120] seeks that SCHED1 is amended to include:
- a) The Michael Fowler Centre,
 - b) The Municipal Office Building,
 - c) The Civic Administration Building,
 - d) Wellington Public Library.

Reasons

946. The submitter considers that SCHED 1 should include the listed buildings as having heritage values within the Te Ngākau Civic Square Precinct.

4.11.4.15 Assessment

947. Ms Smith identifies that the Civic Square Heritage Area which addressed these buildings was established in Plan Change 48 to the ODP, and that it is proposed to be removed in the PDP and replaced by the 'Te Ngākau Civic Square Precinct'. I agree with her assessment of the mechanics of the ODP heritage area provisions with respect to the identification of contributing, scheduled heritage buildings and non-heritage buildings.
948. The stated purpose of the Precinct (CCZ-PREC-O1) is that 'Te Ngākau Civic Square Precinct is a vibrant, safe, resilient, connected and inclusive environment supported by a range of activities that complement its primary civic function'. The objective for built form (CCZ-PREC-O2) contains clear direction that the scale, form and positioning of development within the Te Ngākau Civic Square Precinct 'Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space'. These objectives set up policies which require management of heritage values and the relationship between heritage buildings (eg, CCZ-PREC01-P2, CCZ-PREC01-P4). Collectively, these provisions establish a framework to enable regeneration of the Te Ngākau Civic Square Precinct ensuring that heritage values are recognised and respected in the process.
949. I note Ms Smith's view that the Wellington Central Library, Municipal Office Building and Michael Fowler Centre are in her opinion strong contenders for entry on SCHED1 subject to further research and assessment against the RPS criteria.
950. With respect to the Municipal Office Building, I identify that on 10 December 2020 the Strategy and Policy Committee agreed that in the context of the Te Ngākau Precinct Framework the preferred regeneration option was to demolish the building and replace it with a new one. In passing this resolution it noted the contributory status of the building within the ODP and that a resource consent would be required to demolish it.
951. I note Ms Smith's recommendation that the Wellington Central Library be assessed against the RPS criteria once consented strengthening and alterations are complete. I agree with that assessment.

952. Ms Smith identifies that heritage values do change over time and that it is good practice to review and audit places over time. I understand that to inform the redevelopment of the precinct, a conservation plan has been undertaken for the area. This is consistent with the intent of the Te Ngākau Civic Precinct Framework (October 2021) which was agreed by Council which states that a Conservation Plan should be prepared for the precinct to guide how change can occur.
953. Ms Smith concludes by recommending that the Council undertakes research and assessment of the Te Ngākau Civic Centre Heritage Precinct to identify, research and assess significant heritage buildings and structures for the purpose of policy CCZ-PREC01-P4, and for addition to SCHED1 and SCHED2. She does not recommend inclusion on the schedule at this time. I agree with that assessment.

4.11.4.16 Summary of recommendations

954. **HS3-Rec217:** That SCHED1 is not amended to include The Michael Fowler Centre, The Municipal Office Building, The Civic Administration Building, Wellington Central Library.
955. **HS3-Rec218:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Salvation Army Citadel

956. Wayne Coffey and Gregory Young [347.1 (opposed by Sarah Cutten and Matthew Keir FS91.53)]: Include the Salvation Army Citadel building on Jessie Street.

Reasons

957. The submitter considers this building has special architectural, social and cultural heritage significance.

4.11.4.17 Assessment

958. Ms Smith concludes that the nomination could well be a good candidate for further research based on the detailed information provided. It can be added to the Council's database of heritage nominations for consideration at a later date. She does not recommend inclusion on SCHED1 at this time. I agree with this assessment.
959. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the property can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.11.4.18 Summary of recommendations

960. **HS3-Rec219:** That Salvation Army Citadel building on Jessie Street is not added to SCHED1.
961. **HS3-Rec220:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Willowgrove

962. Wellington City Council [266.181] seeks the inclusion of Willowgrove to Schedule 1 as follows:

Address: 17 Parkvale Road, Karori

Name: Willowgrove

Legal Description: Lot 2 DP 44016

Protection Required: Entire external building envelope

Values: A, B, C, E, F

Reasons

963. The submitter considers that 'Willowgrove' has been identified as having significant heritage values and meets the Council's criteria for listing in the district plan and the owner has been active in supporting its listing.

4.11.4.19 Assessment

964. The property was nominated by its owner for addition to the schedule and was supported by council officers to be included in the Council's submission on the PDP. A Historic Heritage report was commissioned to inform this section 42A report.

965. Ms Smith's assessment after reviewing the Historic Heritage report for the building is that it meets the criteria for listing. I agree with Ms Smith's assessment. I have contacted the owner of the building and they confirm they still wish for the building to be included on SCHED1.

4.11.4.20 Summary of recommendations

966. **HS3-Rec221:** That 17 Parkvale Road (Willowgrove) is added to SCHED1.

967. **HS3-Rec222:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

Tea Rooms and Bakehouse (former)

968. Wellington City Council [266.182] seeks the inclusion of Tea Rooms and Bakehouse (former) to Schedule 1 as follows:

Address: 249-261 Mansfield Street, Newtown

Name: Tea Rooms and Bakehouse (former)

Legal Description: Part Section 875 TN of Wellington

Protection Required: Entire external building envelope

Values: A, B, C, E, F

Reasons

969. The submitter considers that 'Tea Rooms and Bakehouse (former)' has been identified as having significant heritage values and meets the Council's criteria for listing in the district plan and the owner has been active in supporting its listing.

4.11.4.21 Assessment

970. Like Willowgrove, discussed above, the property was nominated by its owner for addition to the schedule and was supported by council officers to be included in the Council's submission on the PDP. A Historic Heritage report was commissioned to inform this section 42A report.

971. Ms Smith's assessment after reviewing the Historic Heritage report for the building is that it meets the criteria for listing. I agree with Ms Smith's assessment. I made an attempt to contact the owner of the building prior to this report being published but was not able to make contact.

4.11.4.22 Summary of recommendations

972. **HS3-Rec223:** That Tea Rooms and Bakehouse (former) at 249-261 Mansfield Street, Newtown is added to SCHED1.

973. **HS3-Rec224:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

4.11.5 Submissions seeking buildings not be added to the schedule

355 The Parade

974. Rachael Bell and Michael McCormack [15.1 (supported in part by Sarah Cutten and Matthew Keir FS91.43)] supports the removal of 355 The Parade from the list of heritage buildings and seeks that SCHED1 is retained as notified.

Reasons

975. The submitter considers the values that this building was proposed to be scheduled for are seen in other buildings in Wellington.

4.11.5.1 Assessment

976. 355 The Parade was put forward for inclusion in SCHED1 but was removed by the Ordinary Meeting of Pūroro Āmua | Planning and Environment Committee on the 23 June 2022.⁷

977. This building was not included on SCHED1 as notified on 18 July 2022.

978. Ms Smith has no heritage response. I agree with this assessment.

4.11.5.2 Summary of recommendations

979. **HS3-Rec225:** That 355 the Parade is not included on SCHED1.

980. **HS3-Rec226:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

⁷ Wellington City Council, *Ordinary Meeting of Pūroro Āmua | Planning and Environment Committee on the 23 June 2022*, pages 9 & 19 <https://wellington.govt.nz/-/media/your-council/meetings/committees/puuroro-aaamua---planning-and-environment-committee/2022-06-23-minutes-papec.pdf>

26 Robieson Street

981. Graeme Webster [255.2 (supported in part by Sarah Cutten and Matthew Keir FS91.29 and FS91.30)] seeks that 26 Robieson Street is not identified as a heritage building and not entered onto SCHED1 in the future.

Reasons

982. The submitter considers it is a private dwelling with little to no historic or heritage value, is not visible from the road, heritage status would impose an unfair financial burden on the owners, it is unreasonable to list without owner's consent.

4.11.5.3 Assessment

983. This building was not included on SCHED1 as notified on 18 July 2022.

984. The Council was not aware of any of the potential heritage values of this building until this point.

985. Ms Smith has concluded that there is not sufficient information to determine whether it would meet the criteria. She does not recommend inclusion. I agree with that assessment.

4.11.5.4 Summary of recommendations

986. **HS3-Rec227:** That 26 Robieson Street is not included in SCHED1.

987. **HS3-Rec228:** That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

4.12 Schedule 2 – Heritage Structures

4.12.1 Submissions to retain buildings on the schedule

General support for the Schedule

988. Vivienne Morrell [155.17] supports SCHED2 and seeks inclusion of the recommendations of Heritage NZ and Historic Places Wellington.

989. Historic Places Wellington [182.45 (opposed by Sarah Cutten and Matthew Keir (FS91.30)), Wellington's Charitable Character Trust [233.37], Cherie Jackson [251.9] and Wellington Heritage Professionals [412.105 and 412.106] seeks that SCHED2 is retained as notified.

4.12.2 Submissions to amend structure in schedule

Accuracy of listing details and use of listings

990. Heritage NZ [70.55] seeks that all SCHED2 entries are checked for accuracy in terms of Heritage New Zealand listing number.

991. Wellington City Council [266.183 (supported by Historic Places Wellington FS111.29)] seeks to amend SCHED2 to re-order the Schedule alphabetically by street name.

Reasons

992. The submitter notes that a number of entries have incorrect New Zealand Heritage List/Rārangī Kōrero.

4.12.2.1 Assessment

993. I agree with the submission point of Wellington City Council that Heritage Schedule be reordered by street name. This is addressed by HS3Rec-191. With respect to Heritage NZ [70.55] the schedules have been checked.

4.12.2.2 Summary of recommendations

994. **HS3-Rec229:** That submissions are accepted/rejected as detailed in Appendix B.

Seatoun Tunnel and Queen Victoria Statue

995. Heritage NZ [70.56]: Item 4 (Seatoun Tunnel) as follows: (HNZPT #) Historic Place Category 2, 3650

996. Heritage NZ [70.57]: Item 28 (Queen Victoria Statue) as follows: (HNZPT #) Historic Place Category 2, ~~28~~ 3663.

Reasons

997. The submitter notes that the item does not have a HNZPT# or is incorrect.

4.12.2.3 Assessment

998. Ms Smith has concluded these amendments are correct.

999. I agree with Ms Smith's assessment.

4.12.2.4 Summary of recommendations

1000. **HS3-Rec230:** That Item 4 (Seatoun Tunnel) is updated as follows: (HNZPT #) Historic Place Category 2, 3650.

1001. **HS3-Rec231:** That Item 28 (Queen Victoria Statue) is updated as follows: (HNZPT #) Historic Place Category 2, ~~28~~ 3663.

1002. **HS3-Rec232:** That submissions are accepted/rejected as detailed in Appendix B.

Elsdon Best Memorial

1003. Tawa Historical Society [386.1]: Amend Item 60 (Elsdon Best Memorial) to include an enlarged area encompassing the Tawa War Memorial at the northern end of Oxford Street, and the World War I memorial rock.

Reasons

1004. The submitter considers it is appropriate to enlarge (or add to) the existing memorial area to include the other memorials now in the area and considers the enlarged memorial area will meet the following heritage values: A, C, D, E and F.

4.12.2.5 Assessment

1005. Ms Smith concludes that the Tawa War Memorial at the northern end of Oxford Street, and the World War I memorial rock do not meet the criteria for listing, at least at this time. I agree with Ms Smith's assessment.

1006. Ms Smith's assessment also identifies two potential options for curtilage areas where rules for building new buildings and altering non-scheduled structures would apply. I am inclined to agree with the larger curtilage area of the two (Figure 10) recognising that works within the broader area may have effects on heritage values.

4.12.2.6 Summary of recommendations

1007. **HS3-Rec233:** That the curtilage proposed in Tawa Historical Society in submission 386 is included on the planning maps and the Tawa War Memorial at the northern end of Oxford Street, and the World War I memorial rock added as non-heritage structures.



Figure 10: Recommended curtilage for the Elsdon Best memorial

1008. **HS3-Rec234:** That submissions on the Elsdon Best Memorial are accepted/rejected as detailed in Appendix B.

Wellington Central Railway station

1009. Century Property Group (238.4) considers that the extent of place associated with SCHED1 item 44 Wellington Railway Station is too large.

Reasons

1010. The extent includes 83-87 Waterloo Quay which is located some 130m to the south-west of the Property, and the Property has no spatial, functional or historical relationship with the Railway Station building or the railway platforms. Century Group seeks that this anomaly be rectified as they consider it is plainly an error.

4.12.2.7 Assessment

1011. Ms Smith has identified that curtilage of the railway station was established in DPC 43 in the operative district plan. It includes the railway station building, platforms, and the former Social Hall. The curtilage excludes the properties at 61 to 97 Waterloo Quay, including those referred to in submission 238.4. It appears that the PDP maps are identifying in error the sites at 83-87 Waterloo Quay as being part of the curtilage. I agree with this assessment.

4.12.2.8 Summary of recommendations

1012. **HS3-Rec235:** That the eplan maps be modified to exclude 83-87 Waterloo Quay as being part of the curtilage of the listing for Item 44, Wellington Railway Station.

1013. **HS3-Rec236:** That submissions on the Wellington Railway Station are accepted/rejected as detailed in Appendix B.

Bolton Street Motorway Overbridge

1014. Wellington City Council [266.187 (supported by Historic Places Wellington Inc FS111.33)] seeks that Item 63 is amended to include 'Legal Road' as the Legal Description.

Reasons

1015. The submitter notes it should be updated to replace 'TBC' with 'Legal Road'.

4.12.2.9 Assessment

1016. Ms Smith agrees with the Council's submission point. I agree with her assessment.

4.12.2.10 Summary of recommendations

1017. **HS3-Rec237:** That SCHED2 is amended to correct the location of the Bolton Street Overbridge as 'legal road'

1018. **HS3-Rec238:** That submissions on the Bolton Street Motorway Overbridge are accepted/rejected as detailed in Appendix B.

4.12.3 Submissions to add structure to schedule

Mount Victoria Tunnel

1019. Tim Bright [75.12], Judith Graykowski [80.14], Joanna Newman [85.6], Alan Olliver & Julie Middleton [111.11 (supported by Wellington's Character Charitable Trust FS82.200)], Vivienne Morrell [155.18] and Mount Victoria Historical Society [214.13 (supported by Wellington's Character Charitable Trust FS82.178)]: add Mount Victoria Tunnel to SCHED2.

1020. Judith Graykowski [80.15] also seeks that all other tunnels of similar era as the Mount Victoria Tunnel are added to SCHED2.

Reasons

1021. The submitters consider that the Mount Victoria Tunnel should be added as all other tunnels of similar era are included and some submitters consider this tunnel is arguably one of the most 'storied' tunnels in Wellington.

4.12.3.1 Assessment

1022. Ms Smith's assessment is that at present there is not enough information to determine whether the tunnel meets the criteria for listing in the district plan. She also notes that it is not listed by HNZPT, as opposed to all the other tunnels presently included on the schedule. I agree with her assessment.

1023. Nominations for new heritage listings will need to be prioritised for further research given the time and cost involved in undertaking such work.

4.12.3.2 Summary of recommendations

1024. **HS3-Rec239:** That the Mount Victoria Tunnel is not added to SCHED2 – Heritage Structures.

1025. **HS3-Rec240:** That submissions on the Mount Victoria tunnel are accepted/rejected as detailed in Appendix B.

Glenside Milk stand

1026. Wellington City Council [266.184 supported by Historic Places Wellington Inc FS111.30]: Add Glenside Milk stand to SCHED2 as follows:

Address: Middleton Road (corner of Middleton Road and Glenside Road), Glenside Name: Glenside Milk stand

Legal Description: Legal Road

Protection Required: Entire structure

Values: A, C, E, F

1027. Claire Bibby [329.4 (supported by Historic Places Wellington Inc FS111.35)] also seeks that the Glenside Milk Stand be added to SCHED2.

Reasons

1028. The submitter considers the Glenside Milk stand has been identified as having significant heritage values and meets the Council's criteria for listing in the PDP. The owner has been active in supporting its listing.

4.12.3.3 Assessment

1029. Ms Smith has reviewed the heritage assessment for the Glenside Milk Stand and has concluded that it meets the criteria and threshold for listing. A curtilage of 1m around each side of the stand has been recommended. I agree with that assessment.

4.12.3.4 Summary of recommendations

1030. **HS3-Rec241:** That the Glenside Milk Stand is added to SCHED2-Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Middleton Road (corner of Middleton Road and Glenside Road), Glenside	Glenside Milk Stand	Legal road	Entire structure The extent includes a curtilage that extends to 1m from each side of the structure.	A,C,E,F		

1031. **HS3-Rec242:** That submissions on the Glenside Milk Stand are accepted/rejected as detailed in Appendix B.

Tram Pole

1032. Wellington City Council [266.185 supported by Historic Places Wellington Inc FS111.31]: Add Tram Pole to SCHED2 as follows:

Address: Jervois Quay (corner of Jervois Quay and Wakefield Street)

Name: Tram Pole

Legal Description: Legal Road

Protection Required: Entire structure

Values: A, B, C, E, F

Reasons

1033. The submitter consider the Tram Pole on Jervois Quay has been identified as having significant heritage values and meets the Council's criteria for listing in the PDP. The owner has been active in supporting its listing.

4.12.3.5 Assessment

1034. Ms Smith has reviewed the heritage assessment for the Tram Pole and has concluded that it meets the criteria and threshold for listing. A curtilage of 1.5m around each side of the pole has been recommended. I agree with her assessment.

4.12.3.6 Summary of recommendations

1035. **HS3-Rec243:** That the Tram Pole on Jervois Quay be added to SCHED2 – Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Jervois Quay (corner of Jervois Quay and	Tram Pole	Legal Road	Entire structure including the tram pole, bracket arms and insulators.	A,B,C,E,F		

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
	Wakefield Street			The extent includes a curtilage radius of 1.5m from the structure.			

1036. **HS3-Rec244:** That submissions on the Jervois Quay Tram Pole are accepted/rejected as detailed in Appendix B.

Tyers Stream Group

1037. Wellington City Council [266.186 (supported by Historic Places Wellington FS111.32)]: Add Tyers Stream Dam to SCHED2 as follows:

Address: Tyers Stream Reserve, Ngauranga

Name: Tyers Stream Dam

Legal Description: Fee Simple, 1/1, Lot 4 Deposited Plan 58937

Protection Required: Entire structure

Values: A, B, E, F

Reasons

1038. The submitter considers Tyers Stream Dam has been identified as having significant heritage values and meets the Council's criteria for listing in the PDP. The owner has been active in supporting its listing.

4.12.3.7 Assessment

1039. Ms Smith has reviewed the heritage assessment for the Tyers Stream Dam and has concluded that it meets the criteria and threshold for listing. I agree with her assessment.

4.12.3.8 Summary of recommendations

1040. **HS3-Rec245:** That the Tyers Stream Dam be added to SCHED2 – Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Tyers Stream Reserve, Ngauranga	Tyers Stream Dam	Fee Simple, 1/1, Lot 4 Deposited Plan 58937	Entire structure	A,B,E,F		

1041. **HS3-Rec246:** That submissions on the Tyers Stream Dam are accepted/rejected as detailed in Appendix B.

Survey mark for construction of Tawa No.2 tunnel

1042. Claire Bibby [329.3 (supported by Historic Places Wellington Inc FS111.34)]: Add the survey mark used for the construction of the Tawa No.2 tunnel to SCHED2 – Heritage Structures.

Reasons

1043. The submitter considers the survey marker was used to assess the centre line of the railway tunnel and has a view shaft on property 395 Middleton Road.

4.12.3.9 Assessment

1044. Ms Smith has reviewed the material provided by the submitter and concludes that the survey peg has an interesting history, and that there is merit in considering a view shaft from the item to the entrance of the tunnel. She recommends that the council undertake further research and assessment. She does not recommend adding to the heritage schedule. I agree with that assessment.

4.12.3.10 Summary of recommendations

1045. **HS3-Rec247:** That the survey peg on a property at 395 Middleton Road is not added to SCHED2 – Heritage Structures.

1046. **HS3-Rec248:** That submissions on the survey peg in Glenside are accepted/rejected as detailed in Appendix B.

City to Sea Bridge and all associated features and Civic Square

1047. Wellington Civic Trust [388.121 and 388.122 (opposed by Willis Bond and Company Limited FS12.4 and supported by Historic Places Wellington FS111.36)] seeks that SCHED2 is retained with amendment to include the City to Sea Bridge and all associated features and the Civic Square.

Reasons

1048. The submitter considers SCHED2 should include all features associated with the City to Sea Bridge, including decking, steps, the sculptures: and the paving, steps, sculptures, water features and other items which comprise the original design for the square, including the walkway which links the two levels of the above features.

1049. Willis Bond and Company Limited is opposed to the submission and considers that the proposed Te Ngākau Civic Square Precinct provisions adequately address heritage considerations within the area.

4.12.3.11 Assessment

1050. Ms Smith identifies that the Civic Square Heritage Area was established in Plan Change 48 to the ODP, and that it is proposed to be removed in the PDP and replaced by the 'Te Ngākau Civic Square Precinct'.

1051. The stated purpose of the Precinct (CCZ-PREC-O1) is that *'Te Ngākau Civic Square Precinct is a vibrant, safe, resilient, connected and inclusive environment supported by a range of activities that complement its primary civic function'*. The objective for built form (CCZ-PREC-O2) contains clear direction that the scale, form and positioning of development within the Te Ngākau Civic Square Precinct *'Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space'*. These objectives set up policies which

require management of heritage values and the relationship between heritage buildings (eg, CCZ-PREC01-P2, CCZ-PREC01-P4). Collectively, these provisions establish a framework to enable regeneration of the Te Ngākau Civic Square Precinct ensuring that heritage values are recognised and respected in the process.

1052. Ms Smith identifies that most of the structures identified by the submitter are treated as non-heritage in the ODP (including the city to sea bridge). She notes however that values do change over time and that it is good practice to review and audit places over time.
1053. After considering the submission, Ms Smith concludes that there is not enough information available to make an assessment of the civic centre structures against the WCC/GWRC RPS criteria without further research. She considers that this should be undertaken in the format of a Conservation Management Plan (CMP), and any items identified in the CMP that have significant heritage values should be proposed for inclusion in SCHED1 and SCHED2 in a future plan change.
1054. I agree that the City to Sea bridge and other structures in the area should not be added to the Heritage Schedule at this time until further work can be undertaken to understand the values of the bridge and other structures.
1055. This is consistent with the intent of the Te Ngākau Civic Precinct Framework (October 2021) which was agreed by Council which states that a Conservation Plan should be prepared for the precinct to guide how change can occur.
1056. I also note that the Te Ngākau Civic Square Precinct provisions require public notification of new buildings and allow for the community to test the extent that the identified heritage values of the space are respected.

4.12.3.12 Summary of recommendations

1057. **HS3-Rec249:** That no structures in the Civic Square Area are added to SCHED2 – Heritage Structures.
1058. **HS3-Rec250:** That submissions on structures in the Civic Square Area are accepted/rejected as detailed in Appendix B.

Bucket Fountain, Cuba Street

1059. Sarah Cutten and Matthew Keir [415.38 (supported by Sophie Kahn FS76.8)] consider that 28 Robieson Street may have more heritage protection than the bucket fountain and considers this to be odd.

Reasons

1060. The submitter considers the fountain has high community value and the fact that it is not listed suggests there are issues with the way the Council is identifying and prioritising historic heritage within the city. Queries why some buildings and architects attract attention, but others do not

and notes Burren and Keen largely appear to be ignored in the literary history and heritage of the city.

4.12.3.13 Assessment

1061. Ms Smith's assessment concludes that the bucket fountain is a contributing structure in the Cuba Street Heritage Area and is subject to the heritage area rules.

1062. I agree with Ms Smith's assessment and consider this sufficient protection in the PDP.

4.12.3.14 Summary of recommendations

1063. **HS3-Rec251:** That the bucket fountain is not added to SCHED2- Heritage Structures.

1064. **HS3-Rec252:** That submissions on the bucket fountain are accepted/rejected as detailed in Appendix B.

4.13 Schedule 3 – Heritage Areas

4.13.1 Submissions to retain areas on the schedule

General support for the Schedule

1065. Historic Places Wellington [182.46], Wellington's Character Charitable Trust [233.39], Cherie Jackson [251.10] and David Lee [454.10]: Retain SCHED3 as notified.

1066. Heritage NZ [70.58 (supported by Onslow Historical Society FS6.27 and Historic Places Wellington Inc FS111.37)] and Wellington Heritage Professionals [412.107 and 412.108] seeks that SCHED3 is retained with amendment.

1067. Vivienne Morrell [155.19]: Retain SCHED3 as notified and include the recommendations of Heritage NZ and Historic Places Wellington.

1068. Historic Places Wellington [182.48] and Everard Aspell [270.11]: Retain Areas in Mount Victoria as notified.

1069. Argosy Property No.1 Limited [383.129]: Retain Item 30 (BNZ / Head Offices) as notified.

1070. Barry Insull [32.7] seeks that Item 39 (Red Rocks Baches) is retained as notified.

1071. Lucy Harper and Roger Pemberton [401.96]: Retain Item 42 (Doctors' Common Heritage area) as notified.

1072. David Lee [454.8 (supported by Wellington's Character Charitable Trust FS82.105)]: Retain Item 43 (Elizabeth Street Heritage area as notified.

1073. Craig Forrester [210.13]: Retain Item 44 (Moir Street Heritage Area) as notified.

1074. Jean Morgan [5.1] seeks that Item 45 (Porritt Avenue) is retained as notified.

1075. Friends of the Bolton St Cemetery Inc [250.3]: Retain Item 2 (Bolton Street Cemetery) as notified.

1076. Friends of the Bolton St Cemetery [250.1 and 250.2] seeks that any statement made by the Council in respect of the Cemetery's history is fully and properly researched by qualified people and such research is done in consultation with Friends of the Bolton Street Cemetery. They also seek to be party to any change of status that might later be proposed to the listing in the PDP.

1077. Argosy Property No.1 Limited [383.129]: Retain Item 30 (BNZ / Head Offices) as notified.

4.13.1.1 Assessment

1078. I note and acknowledge these submissions identifying that the amendments requested are subsequently dealt with by submissions on individual listings.

1079. I appreciate the ongoing interest and involvement of the Friends of the Bolton St Cemetery. Any change of status to the cemetery within the PDP (eg delisting) would be subject to a public process, and I would expect that ahead of this there would be early engagement with the Friends.

4.13.1.2 Summary of recommendations

1080. **HS3-Rec253:** That no changes are made to SCHED3-Heritage Areas because of these submissions.

1081. **HS3-Rec254:** That submissions on SCHED3 generally are accepted/rejected as detailed in Appendix B.

4.13.2 Submissions to remove area in schedule

Various Areas

1082. Lucy Telfar Barnard [72.7-72.11]: Remove the following items from SCHED3:

- a) Item 41 (Armour Avenue)
- b) Item 42 (Doctors' Common Heritage area)
- c) Item 43 (Elizabeth Street Heritage area)
- d) Item 44 (Moir Street Heritage area)
- e) Item 45 (Porritt Street Heritage area) (opposed by Phil Kelliher FS57.4)

Reasons

1083. The submitter considers that nothing about these areas make them more worthy of protection than many other areas of the city, and their presence on this list indicates a privileging of a small number of wealthy property owners over other current and future city residents' needs for more effective residential use of land so close to the central city. In particular, there is nothing about these areas that means it should be given "Heritage Area" protection.

4.13.2.1 Assessment

1084. Ms Smith has reviewed the submission of Lucy Barnard and has concluded that the heritage areas in contention should remain on SCHED3 given that they meet the criteria for listing. I agree with Ms Smith's conclusion. I further note that that these areas sit within the notified and recommended (s42A) extent of Character Precincts, so are likely to be subject to a level of development restriction notwithstanding inclusion on SCHED3.

4.13.2.2 Summary of recommendations

1085. **HS3-Rec255:** That the heritage areas notified in Mount Victoria are retained as notified.

1086. **HS3-Rec256:** That submissions on heritage areas notified in Mount Victoria are accepted/rejected as detailed in Appendix B.

Salisbury Garden Court

1087. Dean Knight and Alan Wendt [265.7]: If relief sought not realised, remove Item 24 (Salisbury Garden Court) from SCHED3.

Reasons

1088. The submitter considers that when Salisbury Garden Court was designated a heritage area, at the initiative of owners and residents, the key heritage feature sought to be protected was historic connectedness and the heritage controls imposed are, in practice, too heavy and go well beyond what is sought to be protected.

4.13.2.3 Assessment

1089. Ms Smith has reviewed the submission of Dean Knight and Alan Wendt alongside the heritage evaluation for the Salisbury Garden Court heritage area. She has identified that two forms of relief sought are put forwards; that several the chapter rules do not apply to the area or that it is removed from SHCED3.

1090. On both of these requests I have relied upon the advice of Ms Smith that the area continues to meet the criteria for listing in the PDP and the range of provisions as notified appropriately manage the values of the area, such that the Heritage Area should not exempt from any.

4.13.2.4 Summary of recommendations

1091. **HS3-Rec257:** That SCHED 3 Item 24 – Salisbury Garden Court Heritage Area is retained without amendments and is not exempt from any heritage area provisions.

1092. **HS3-Rec258:** That submissions on Item 24 – Salisbury Garden Court Heritage Area are accepted/rejected as detailed in Appendix B.

Albion Gold Mining Company Battery and Mine Remains

1093. Te Kamaru Station Ltd Ratings [362.19]: Remove Item 40 (Albion Gold Mining Company Battery and Mine Remains) from SCHED3.

1094. Terawhiti Farming Co Ltd (Terawhiti Station) [411.24 and 411.25]: Retain Item 40 with amendment to define the heritage features more accurately.

Reasons

1095. The submitter considers the overlay boundaries at Albion Battery and Mine Remains should be redefined as no part of the Albion Battery and mine remains are located on Te Kamaru Station, it is located west of the boundary with Terawhiti Farming Co Ltd's land.

4.13.2.5 Assessment

1096. The Albion battery and Mine Remains are a new addition to SCHED3. They are listed by HNZPT as a category 2 historic place and considering the requirement to have regard to the list, were included on SCHED3.

1097. In response to the submitters concerns that the extent of the listing is not accurate, Ms Smith has revisited the area identified in the PDP for the heritage area rules to apply. Subsequently she has recommended changes which reduce the area of land to which the rules would apply. I confirm that the balance of the Station outside of the identified extent would not be subject to the heritage rules.

1098. I agree with Ms Smith that the site meets the significance criteria and should continue to be included on SCHED3. I consider the extent of the listing to be reasonable and provides certainty for the landowner where the provisions apply.

4.13.2.6 Summary of recommendations

1099. **HS3-Rec261:** That SCHED3 continues to include Item 40 (Albion Gold Mining Company Battery and Mine Remains) with amendments to the extent of the listing.

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
40	900 South Makara Road	Albion Gold Mining Company Battery and Mine Remains	South Makara Road - 900 (PT SEC 62 Terawhiti District Part Section 62 LINZ reference: DCDB Document Id: CT 10B/306 and DCDB Document Id: CT 341/241) (RT 321565), (LOTS 3-4 DP 375401 SECS 1 4 8 10 13 13A 14 17 19 26 29 32 51 52 55 59 94 98 PT SECS 9 33 50 54 60 64 73 75 TERAWHITI DISTRICT LOT 3 DP 5864 BLKS II IV V VIII IX PORT NICHOLSON SD - PT SECS 950 61 63 SECS 13 29 51 98 - LOTS 3-4 DP 375401 SUBJ TO ESMIT DP 433)	Includes Proposed Albion Gold Mining Company Battery and Mine archaeological remains and structures associated with the Albion Gold Mining Company, including the remains of the battery (NZAA site Q27/112), embankment, mine manager's house (NZAA site Q27/120), incline tramway and mine, and their fittings and fixtures. Does not include Transpower's fibre optic cable which is located near the road.	A, B, C, E, F		Albion Gold Mining Company Battery and Remains, Historic Place Category 2 , 9032

1100. **HS3-Rec262:** That submissions on Item 40 (Albion Gold Mining Company Battery and Mine Remains) are accepted/rejected as detailed in Appendix B.

4.13.3 Submissions to amend area in schedule

Accuracy of listing details and use of listings

1101. Barry Insull [32.4-32.6] seeks that the last names in Items 38 (Mestanes Bay Baches) and 39 (Red Rocks Baches) are updated to reflect current leases. The submitter also seeks that the HNZPT column of Item 39 (Red Rock Baches) make mention of Heritage Area.

1102. Heritage NZ [70.60] seeks that all SCHED3 – Heritage Area entries are checked for accuracy in terms of address, legal descriptions and Heritage NZ listing number.

1103. Heritage NZ [70.61] seeks that Item 5 (Wellington Botanic Gardens) is amended as follows:
(HNZPT #) Wellington Botanic Gardens Historic Area, 7573 and Dominion Observatory Historic Area, 7033.

1104. Heritage NZ [70.62] seeks that Item 14 (Parliamentary Precinct) is amended as follows:
(HNZPT #) Government Centre Historic Area, 7035.

1105. Heritage NZ [70.63] seeks that Item 19 (Wright’s Hill Gun Emplacement) is amended as follows:
(HNZPT #) Wrights Hill Fortress Historic Place Category 1, 7543.

1106. Heritage NZ [70.64] seeks that Item 21 (Old Coach Road) is amended as follows:
(HNZPT #) Old Coach Road Historic Place Category 1, 7396.

1107. Heritage NZ [70.64] seeks that Item 22 (Evans Bay Patent Slip) is amended as follows:
(HNZPT #) Evans Bay Patent Slip Historic Place Category 2, 2895.

1108. Heritage NZ [70.65] seeks that Item 22 (Evans Bay Patent Slip) is amended as follows:
(HNZPT #) Evans Bay Patent Slip Historic Place Category 2, 2895.

1109. Heritage NZ [70.66] seeks that Item 27 (Cuba Street) is amended as follows:
(HNZPT #) Cuba Street Historic Area, 7209 and Footscray Avenue Historic Area, 7209.

1110. Heritage NZ [70.67] seeks that Item 28 (Stout Street Precinct) is amended as follows:
(HNZPT #) Red Rocks Baches Historic Area, 7509.

1111. Heritage NZ [70.68] seeks that Item 39 (Red Rocks Baches) is amended as follows:
(HNZPT #) Red Rocks Baches Historic Area, 7509.

1112. Heritage NZ [70.69] seeks that Item 40 (Albion Gold Mining Company Battery and Mine Remains) is amended as follows:
(HNZPT #) Albion Gold Mining Company Battery and Remains, Historic Place Category 2, 9032.

1113. Wellington City Council [266.188] seeks to amend SCHED3 to re-order the Schedule alphabetically by street name.

1114. Wellington City Council [266.189] seeks to amend Item 20 as follows:

~~TBC~~ A, B, C, E, F

1115. Wellington City Council [266.190] seeks to amend Item 21 as follows:

Includes all above and below ground features associated with the Old Coach Road including - pathway and original track formation that underlies the road; original earthworks cuttings.

Exclusions—TBC

4.13.3.1 Assessment

1116. Ms Smith has reviewed the submission points of HNZPT and the Council and agrees with them. I agree with her recommendation.

1117. With respect to the submission of Mr Insull, Ms Smith advises that the notified names of the baches in Items 38 (Mestanes Bay Baches) and 39 (Red Rocks Baches) are appropriate and align with that of the HNZPT historic area. I agree with her.

4.13.3.2 Summary of recommendations

1118. **HS3-Rec263:** That no changes are made to the names of the baches in Items 38 (Mestanes Bay Baches) and 39 (Red Rocks Baches).

1119. **HS3-Rec264:** Amendments to SCHED3 to respond to the Council and HNZPT are made.

1120. **HS3-Rec265:** That submissions on the accuracy of SCHED3 are accepted/rejected as detailed in Appendix B.

Amendment to maintain heritage areas

1121. Everard Aspell [270.11-270.15] seeks amendment to maintain the heritage areas within Mount Victoria, Mount Cook, Thorndon (supported by Thorndon Residents' Association Inc FS69.113), Aro Valley, Newtown and Berhampore.

Reasons

1122. The submitter opposes any reduction in heritage protection in the suburbs zoned Inner Residential Area in the ODP and considers that intensification shouldn't come at the expense of character and heritage. The submitter considers that the attraction in the Lambton Ward is the unique character and heritage, older Victorian styled houses and working men's cottages dotted around Thorndon, Mount Vic, Aro Valley and Mount Cook and there are multiple brownfield sites well suited for accommodating extra population that will avoid impacting heritage and character.

4.13.3.3 Assessment

1123. In considering this submission point I note that there are several new heritage areas being added into SCHED3 within the present inner residential area. These additions were prioritised alongside those items identified as high priorities in the thematic review because the Council holds up to date and accessible information from work in 2017 to assess the heritage values of Mount Victoria. I also note that a heritage area and stricter controls now also apply in Thorndon within the Ascot Street Heritage Area. Matters relating to Character have been addressed in Stream 2.

4.13.3.4 Summary of recommendations

1124. **HS3-Rec266:** That no changes are made in response to Everard Aspell [270.11-270.15] (supported by Thorndon Residents' Association Inc FS69.113).

1125. **HS3-Rec267:** That submissions are accepted/rejected as detailed in Appendix B.

Assess Character Areas

1126. Wellington Heritage Professionals [412.109] seeks that character areas are assessed for inclusion in the district plan as heritage areas.

Reasons

1127. The submitter considers that the character areas will meet the criteria for listing.

4.13.3.5 Assessment

1128. Like my response to Everard Aspell, several heritage areas have been added to SCHED3 within the Inner Residential Area (and relatedly the ODP character areas). As I have identified earlier, the Council's approach to prioritising new listings in the PDP was informed by a thematic review of the ODP list. This showed that comparatively, residential housing in the inner suburbs is well represented on the schedule, compared to other building types such as modernist architecture.

1129. The Council has only limited resources to assess new buildings and areas for heritage listing in the PDP and will continue to need to prioritise where this resource should be allocated to undertake detailed heritage assessments.

1130. Notwithstanding this, the intent of the submission point can be responded to by noting that this area can be added to the Heritage Team's database of nominations.

4.13.3.6 Summary of recommendations

1131. **HS3-Rec268:** That no changes are made in response to Wellington Heritage Professionals [412.109].

1132. **HS3-Rec269:** That submissions are accepted/rejected as detailed in Appendix B.

Extend Heritage Areas generally

1133. Peter Fordyce [431.10] seeks that heritage areas should be extended.

1134. Grace Ridley-Smith [390.10-390.13]: Retain Heritage Areas in Mount Victoria and Thorndon as notified, subject to increasing the extent of the area encompassed by Heritage Areas in Mount Victoria. The submitter seeks these are also expanded in the mapping.

1135. Christina Mackay [478.16]: Retain Heritage areas in Thorndon and Mount Victoria with amendment.

Reasons

1136. The submitters consider that the Heritage Areas in Mount Victoria and Thorndon should be expanded to better reflect the heritage of Mount Victoria and Thorndon.

4.13.3.7 Assessment

1137. Mr Fordyce's submission does not identify which areas he considers should additionally be subject to heritage area controls. Accordingly, I am unable to fully consider the implications of the decisions requested.

1138. The related submission points of Ms Mackay and Ridley-Smith are dealt with further in this report where specific areas were request to be included.

4.13.3.8 Summary of recommendations

1139. **HS3-Rec270:** That no changes to the extent of heritage areas are made in response to the submission point of Peter Fordyce [431.10] Grace Ridley-Smith [390.10-390.13] Christina Mackay [478.16].

1140. **HS3-Rec271:** That submissions are accepted/rejected as detailed in Appendix B.

Aro Valley Cottages

1141. Josephine Brien/Tim Bollinger [365.6]: Amend Item 1 (Aro Valley Cottages) to include the adjacent properties on Palmer Street.

Reasons

1142. The submitter considers that the item should be amended to include some of the oldest and most significant addresses in this area that have not been included.

4.13.3.9 Assessment

1143. Ms Smith's assessment has confirmed that the properties nominated are not addressed by a relevant HNZPT listing. She concludes that further research is required to determine whether the buildings meet the criteria for listing in the Schedule. I agree with her assessment.

1144. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.3.10 Summary of recommendations

1145. **HS3-Rec272:** That Item 1 (Aro Valley Cottages) of SCHED3 is confirmed in extent as notified.

1146. **HS3-Rec273:** That submissions on the Aro Valley Cottages are accepted/rejected as detailed in Appendix B.

Stout Street Precinct

1147. Arogy Property No.1 Limited [383.128]: Amend Item 28 (Stout Street Precinct) as follows:

Exclusions - The following buildings, structures and sites are identified as non-heritage:

- Façade (above second floor), Courts Building, cnr, Stout and Whitmore Sts.

- 1998 three storey addition designed by Athfield architects to former State Insurance Building

Reasons

1148. The submitter opposes the Athfield addition being included in the Stout Street Precinct heritage area.

4.13.3.11 Assessment

1149. Ms Smith's view on this matter is canvassed in the SCHED1 submission to the same effect for this building. I agree with her position.

4.13.3.12 Summary of recommendations

1150. **HS3-Rec274:** That no changes are made to SCHED3 item 28 Stout Street Precinct Heritage Area.

1151. **HS3-Rec275:** That submissions on the Stout Street Precinct Heritage Area are accepted/rejected as detailed in Appendix B.

Newtown Shopping Centre

1152. Anna Kemble Welch [434.12 and 434.13 (opposed by Historic Places Wellington Inc FS111.62)]: Amend Item 33 (Newtown Shopping Centre) to remove buildings of less heritage significance.

Reasons

1153. The submitter considers that the Newtown Shopping Centre includes a small number of historic buildings of significance that should be retained as closely as feasible to their historic presence, however the rest of Newtown shopping centre is identified as a Historic Area in the Proposed District Plan.

4.13.3.13 Assessment

1154. Ms Smith's assessment has paid attention to the composition of buildings within the heritage area with respect to their contribution to the values of the area, and the matter of building height. She concludes that the area is composed generally of contributory buildings. She does not see need to change the status of any buildings. I agree with her assessment.

1155. Furthermore, the intent of the provisions for heritage areas is to manage additions and alterations recognising that external works to all buildings can have effects on heritage values,

while allowing for a weighted assessment of contribution to the demolition of buildings. This recognises the varied level of contribution that buildings within heritage areas can have.

1156. I have discussed Ms Smith's view on the matter of height limits in the Heritage Area and my differing view in paragraph 565.

4.13.3.14 Summary of recommendations

1157. **HS3-Rec276:** That SCHED 3 Item 33 - Newtown Shopping Centre Heritage Area is retained without amendments.

1158. **HS3-Rec277:** That submissions on the Newtown Shopping Centre Heritage Area are accepted/rejected as detailed in Appendix B.

Doctors' Common Heritage Area

1159. Richard Tyler [357.1 (opposed by Mt Victoria Historical Society Inc FS39.18)]: Amend Item 42 (Doctors' Common Heritage Area) to remove 34 Hawker Street.

Reasons

1160. The submitter notes that the property was purchased with no classification and a classification will reduce the value, enjoyment and usage of the property.

4.13.3.15 Assessment

1161. Ms Smith has reviewed the heritage evaluation report for this property and has confirmed that in her view it does contribute to the values of the area and is justified to be included in the heritage area. I agree with her assessment.

1162. I note that engagement with the owners of proposed new listings was initiated in December 2020 and included this property.

4.13.3.16 Summary of recommendations

1163. **HS3-Rec278:** That SCHED 3 continues to include 34 Hawker Street as a contributing building within item 42 - Doctors' Common Heritage Area.

1164. **HS3-Rec279:** That submissions on 34 Hawker Street are accepted/rejected as detailed in Appendix B.

Elizabeth Street Heritage Area

1165. Wellington City Council [266.191] seeks to amend Item 43 to remove 50, 52, 61 and 63 Elizabeth Street.

Reasons

1166. No specific reason given.

4.13.3.17 Assessment

1167. Ms Smith has assessed the contribution of the sites in question and has concluded that the four properties do not include items that are fundamental to the history, physical, or social values of the heritage area. They are located at the western end of the heritage area, and the boundary could be redrawn to omit the properties without disrupting the continuity or significance of the heritage area. I agree with her assessment.

4.13.3.18 Summary of recommendations

1168. **HS3-Rec280:** That the extent of the Elizabeth Street Heritage areas is amended to remove 50, 52, 61 and 63 Elizabeth Street.

1169. **HS3-Rec281:** That submissions on the Elizabeth Street Heritage Area are accepted/rejected as detailed in Appendix B.

Moir Street Area

1170. Turi & Jane Park [73.3]: Amend Item 44 (Moir Street Heritage Area) to remove 134 Brougham Street, with the following changes required:

a) Column 4 (Legal Descriptions) - delete the legal description for 134 Brougham Street as follows:

~~Brougham Street – 134 (PT SEC 294 TOWN OF WELLINGTON) ...~~

b) Column 5 (Protections Sought) add 134 Brougham Street to the exclusions as follows:

... 134 Brougham Street

1171. Wellington City Council [266.192 (supported by Mt Victoria Historical Society Inc FS39.19)]: Amend Item 44 (Moir Street Heritage Area) as follows:

Exclusions - the following buildings or structures have been identified as non-heritage

2, 2a Moir Street

134 Brougham Street (rear addition only)

33 Moir Street

existing accessory buildings and minor residential units as at 18 July 2022

1172. Lucy Telfar Barnard [72.1] remove 134 Brougham Street from SCHED3.

Reasons

1173. Turi & Jane Park consider that the extent of the Porritt Avenue Heritage Area should include properties on Tutchen Avenue.

1174. Wellington City Council consider 134 Brougham Street should be retained within the Moir Street heritage area as this adds to the collective heritage values of the context, however, exclude the rear addition from the extent of 134 Brougham Street.

4.13.3.19 Assessment

1175. Ms Smith details a process of engagement she and Council's heritage advisor had with the owners (Turi and Jane Park) of 134 Brougham Street to determine the extent of the building that contributes to the values of the heritage area. This was undertaken at the request of the owners.

1176. She has concluded that some parts of the building do not contribute to the values of the heritage area and can be considered non-heritage for the purpose of the heritage area rules. I agree with her assessment.

4.13.3.20 Summary of recommendations

1177. **HS3-Rec282:** That the following parts of the building at 134 Brougham Street be identified as non-heritage in the SCHED3 entry for the Moir Street Heritage Area – '*Part of 134 Brougham Street (rear additions only – including sunroom, rear porch, laundry, shed, and detached garage)*'. The remainder of the building retains its contributory status.

1178. **HS3-Rec283:** That submissions on 134 Brougham Street are accepted/rejected as detailed in Appendix B.

Porritt Avenue Area

1179. Phil Kelliher [58.5 and 58.6 (supported by Historic Places Wellington Inc FS111.40 and FS111.41)] seeks that Item 45 (Porritt Avenue area) is retained and seeks that the following houses in Tutchen Avenue are added:

- a) 1 Tutchen Avenue (Home of Wellington Harbour Pilot, William Shilling) Built c1896
- b) 3 Tutchen Avenue Built c1894
- c) 5 Tutchen Avenue Built c1894
- d) 2 Tutchen Avenue Built c1896
- e) 4 Tutchen Avenue Built c1894
- f) 6 Tutchen Avenue Built c1896
- g) 8 Tutchen Avenue Built c1896

1180. Joanna Newman [85.7], Alan Olliver & Julie Middleton [111.12 (supported by Wellington's Character Charitable Trust FS82.201)] and Mount Victoria Historical Society [214.14 (supported by Wellington's Character Charitable Trust FS82.179 and Jane O'Loughlin FS98.1)]: Amend Item 45 (Porritt Avenue Heritage Area) to include:

- a) 1 Tutchen Avenue (Home of Wellington Harbour Pilot, William Shilling) Built c1896
- b) 3 Tutchen Avenue Built c1894
- c) 5 Tutchen Avenue Built c1894
- d) 2 Tutchen Avenue Built c1896
- e) 4 Tutchen Avenue Built c1894
- f) 6 Tutchen Avenue Built c1896
- g) 8 Tutchen Avenue Built c1896
- h) 12 Tutchen Avenue Built 1926, Rear of the listed building at 56 Pirie St.

1181. Tim Bright [77.13], Judith Graykowski [80.16], Vivienne Morrell [155.20], David Lee [454.9 (supported by Wellington’s Character Charitable Trust FS82.206)] and David Wu [489.1]: Amend Item 45 (Porritt Avenue Heritage Area) to include Tutchen Avenue.

1182. Quayside Property Trust [104.1 and 104.2 (opposed by Mt Victoria Historical Society Inc FS39.17)]: Amend Item 45 (Porritt Street) to remove 115 Brougham Street, and remove its Contributing Building status as follows:

~~Brougham Street 115 (PT LOT 2 DP 12250 LOT 1 DP 34813 ROWENA HOSTEL)~~

Reasons

1183. Submitters seeking additions to the heritage area consider that the extent of the Porritt Avenue Heritage Area should include properties on Tutchen Avenue, Tutchen Avenue is an integral part of the Porritt Avenue surrounds in terms of history, building type and height and streetscape. One submitter considers that the PDP allows height twice as high in Tutchen Avenue as the immediate street around it.

1184. The submitter considers that 115 Brougham Street is not currently listed as a historical building within the ODP or from Heritage NZ, the site is not accessible from Porritt Avenue and is generally cut off, so cannot allow for the enjoyment of historical architecture values, has undergone various types of work to alter the building and people who might have stayed at the property is not significant.

4.13.3.21 Assessment

1185. Ms Smith has assessed the values of 115 Brougham Street and concluded that it has contributing value to the Armour Avenue or the Porritt Avenue (as notified) heritage areas given that it is effectively wedged between the two. She concludes that while the building is not particularly visible it nonetheless contributes to the story of these heritage areas. She identifies that it could feasibly be included in either heritage area, but that there is less connection thematically with Armour Ave. I agree with her advice and recommend that the building’s status within the notified Porritt Avenue remain unchanged.

1186. Ms Smith has considered the detailed submission of Mount Victoria Historical Society (which overlaps many of the other submitters nominations, identified above) which provides historical information on Tutchen Avenue. She concludes that Tutchen Avenue shares the same history as Porritt Avenue, and the boundaries of the heritage area could be moved to include the properties along the street (subject to research and assessment). She does not recommend that the street be added as a Heritage Area at this stage. I agree with her assessment.

1187. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council’s Heritage Team’s database of nominations for detailed heritage evaluations.

4.13.3.22 Summary of recommendations

1188. **HS3-Rec284:** That 115 Brougham Street is included in SCHED3– Item 45 - Porritt Avenue Heritage Area as a contributing building.

1189. **HS3-Rec285:** That Tutchen Avenue is not added as a heritage area to SCHED3.

1190. **HS3-Rec286:** That submissions are accepted/rejected as detailed in Appendix B.

Ascot Street Area

1191. E W Limited [45.1] seeks that 241 Tinakori Road should either be excluded from Item 46 (Ascot Street Heritage Area) or be reassigned to a heritage status of 1, “Neutral impact on heritage area”, or at most, 2, “Contributes to the values of the heritage area”.

1192. Historic Places Wellington [182.49]: Retain Item 46 (Ascot Street) but extend north to the motorway intersection opposite Harriet Street and along the west side of Tinakori Road. Similarly, Margaret Cochran [382.3] and Grace Ridley Scott [390.10] seeks to extend the boundaries of the Ascot Street heritage area.

1193. Christina Mackay [478.17]: Amend to include the ‘Thorndon Areas’ of the ODP.

1194. Adam King [246.3 and 246.4] and Wellington City Council [266.193]: Amend Item 46 to remove 12A Parliament Street.

1195. Wellington City Council [266.194-266.201] seeks the following amendments to Item 46:

- a. Remove 12a Parliament Street as a contributing building.
- b. Identify 16 Parliament Street as an exclusion (non-heritage) property.
- c. Include 8 Glenbervie Terrace as a Heritage Area contributing building. It is currently identified as a non-heritage building.
- d. Include 11 Glenbervie Terrace in the ‘legal description’ column of SCHED3. It is already a contributing building but omitted mistakenly from the column.
- e. Remove 21 Glenbervie Terrace as a Heritage Area contributing building and instead identify as a non-heritage building.
- f. Clarify that 23 Glenbervie Terrace contains six units. 23/1, 23/2, 23/3, 23/4, 23/5, and 23/6 Glenbervie Terrace.

1196. The Thorndon Society Inc [487.6 (supported by Historic Places Wellington Inc FS111.45)]: Amend Item 46 to include the adjoining areas of Upton Terrace and St Mary Streets.

1197. Helen Heffernan considers that the heritage area should be renamed ‘Thorndon Residential Heritage Area’.

Reasons

1198. E W Limited considers that the existing building at 241 Tinakori Road may be on the site of an 1870s retail building but extensive modifications have left very little of the original building and

as the exterior was completely rebuilt in the 1920s and the interior has also been altered, it does not represent an 1870s retail building or even a heavily modified version.

1199. Historic Places Wellington considers the area is too small and should be extended.

1200. Adam King considers the Historic Heritage Area Evaluation report provided refers to properties within the proposed heritage area as having characteristics which are not consistent with that of 12A Parliament Street. Wellington City Council considers it necessary to instead identify this as a non-heritage building in SCHED3.

4.13.3.23 Assessment

1201. A history of the origins of the Ascot Street Heritage Area is accurately set out by Ms Smith in her evidence where she details the influence of the existing Thorndon Shopping Centre Heritage Area in the plan, in determining the remaining extent of the notified Ascot Street Heritage Area. I note that the area identified by Margaret Cochran [382.3] and Grace Ridley Scott [390.10] relates to the extent of specific character design guidance in the ODP. Besides the Shopping Centre Heritage Area, there are no other heritage areas in Thorndon in the ODP. Ms Smith agrees with these submitters that there is value in considering the relationship of the buildings northeast of the notified heritage area, but further research is needed. I agree with her assessment.

1202. With respect to including additional properties on Upton and St Mary's Streets, Ms Smith is of the view that these properties have a different history to the Ascot Street Heritage Area such that their inclusion in the notified heritage area does not follow. I agree with her assessment and note that these areas are included in Character Precincts in the notified PDP. Accordingly, they will have protection at least in terms of streetscape value.

1203. With respect to the submission of EW Limited re 241 Tinakori Road, Ms Smith has reviewed the heritage evaluation report for the Ascot Street Heritage Area and concludes that it should remain SCHED 3 item 46 as a "contributing building to the Ascot Street Heritage Area. She does agree with the submitter that its classification in the heritage evaluation report should be amended to a status of "2".

1204. With respect to the submissions of Adam King [246.3 and 246.4] and Wellington City Council [266.193] to remove 12A Parliament Street, Ms Smith has undertaken further research on the history and contribution of the building to the Ascot Street Heritage Area. She is satisfied that the building is consistent with other contributing buildings in the Heritage Area. Accordingly, she recommends no change. I am in agreement with Ms Smith given the additional research she has completed and her comparative perspective.

1205. With respect to the submission of Wellington City Council (266.195) to amend SCHED 3 item 46 Ascot Street Heritage Area to change 16 Parliament Street from a "contributing building" to a "non-heritage building" Ms Smith has concluded in agreement with the Council. She holds this view as it makes only a neutral impact on the values of the area and this classification is

consistent with that applied for the nearby Thorndon Shopping Centre Heritage Area. I agree with her assessment.

1206. Ms Smith is of the view that the Ascot Street Heritage Area should not be renamed 'Thorndon Residential Heritage Area' responding to Helen Hefferman (491.1 to 491.4). She considers the current naming convention appropriate and consistent with other heritage areas (eg Doctor's common) which have been named after a single street within the heritage area. I agree with her and that no change is needed.

1207. With respect to the Council's requested changes at 8, 11, 21 and 23 Glenbervie Terrace, Ms Smith is supportive of the submissions given that these changes would be consistent with the approach used in other Heritage Areas. I agree with her assessment.

4.13.3.24 Summary of recommendations

1208. **HS3-Rec287:** That SCHED 3 item 46 Ascot Street Heritage Area continues to include 241 Tinakori Road as a "contributing building".

1209. **HS3-Rec288:** That SCHED 3 item 46 Ascot Street Heritage Area continues to include 12a Parliament Street as a "contributing building".

1210. **HS3-Rec289:** That SCHED 3 item 46 Ascot Street Heritage Area is amended to change 16 Parliament Street from a "contributing building" to a "non-heritage building".

1211. **HS3-Rec290:** That the name of SCHED3-Ascot Street heritage area is confirmed as notified.

1212. **HS3-Rec291:** That 8 and 11 Glenbervie Terrace be added as contributing buildings to the Ascot Street Heritage Area.

1213. **HS3-Rec292:** That 21 Glenbervie Terrace be changed from a "contributing building" to a "non-heritage building" in the Ascot Street Heritage Area.

1214. **HS3-Rec293:** That the address for 23 Glenbervie Terrace be amended to 1/23, 2/23, 3/23, 4/23, 5/23, 6/23 Glenbervie Terrace in the list of exceptions.

1215. **HS3-Rec294:** That submissions are accepted/rejected as detailed in Appendix B.

Thorndon Shopping Centre Heritage area

1216. Margaret Cochran [382.3 (supported by Wellington's Character Charitable Trust FS82.292)]: Amend Item 35 (Thorndon Shopping Centre) with respect to how the Thorndon Historic Area is defined and to retain the existing boundaries.

1217. Helen Hefferman [491.1-491.2]: Amend Item 46 (Ascot Street) and Item 35 (Thorndon Shopping Centre) are combined and named "Thorndon Heritage Area".

1218. Helen Hefferenan [491.3-491.4]: If the areas are not combined, rename Item 46 to “Thorndon Heritage Area” and Item 35 to “Tinakori Road Village Heritage Area”.

Reasons

1219. Helen Hefferenan considers that these areas are adjacent and should be combined and opposes the name ‘Ascot Street Heritage Area’ as there are several other streets included in this area.

1220. Margaret Cochran considers that the item should be extended to retain its existing boundaries as the new boundaries in the PDP are arbitrary and make no sense.

4.13.3.25 Assessment

1221. Ms Smith’s assessment is that these heritage areas should not be combined given they have different histories, patterns of development and their heritage values (and accordingly assessment against provisions of the plan) differ. I agree with her assessment. I agree that merging would complicate implementation especially given that there are bespoke height limits for the Centres zoned area in the Local Centre Zone chapter which are not intended to apply to the residential zoned areas around.

1222. Ms Smith is indifferent on the matter of renaming the heritage area to the ‘Tinakori Road Village Heritage Area’. She points to the precedent set by the Island Bay Village Heritage Area. I support renaming the Centres zoned heritage area to include reference to Tinakori Road as it helps locate the heritage area spatially within the suburb. I do suggest that the reference to the area being zoned local centre remain. Accordingly I accept the submitters request in part and that the area be renamed ‘Tinakori Road Centre Heritage Area’.

4.13.3.26 Summary of recommendations

1223. **HS3-Rec295:** That SCHED3 ‘Thorndon Shopping Centre Heritage Area’ is renamed to the ‘Tinakori Road Centre Heritage Area’.

1224. **HS3-Rec296:** That submissions on the Thorndon Shopping Centre Heritage Area re accepted/rejected as detailed in Appendix B.

4.13.4 Submissions to add area to schedule

Truby King Heritage Area

1225. Heritage NZ [70.59]: Add Truby King Heritage Area.

Reasons

1226. The submitter considers that this should be added as it is included in the New Zealand Heritage List/Rārangī Kōrero as an historic area (list number 7040). The submitter acknowledges that several individual buildings have been included in SCHED1, but considers the Truby King historic

area as a whole, including the gardens, landscaping, and settings of the buildings, has significant heritage values and merits inclusion in SCHED3.

4.13.4.1 Assessment

1227. Ms Smith has reviewed the submission of Heritage NZ and has compared their request to the extent of listings already contained in the heritage schedules of the ODP. Council has on record a heritage evaluation of the area. She concludes that there are buildings and structures that are not scheduled in the PDP that are identified in Heritage NZ's historic area, and that the information Council has on record means that they would be eligible to be considered contributing features in a heritage area in the district plan.

1228. She recommends that a heritage area should be introduced into SCHED3. This would have the effect of introducing heritage protection on two places not presently scheduled or notified in the PDP (the site of the Karitane Maternity Hospital (former) and Cobham House / former Nurses' Home).

1229. I accept Ms Smith's advice that introducing a Heritage Area would respond to the Council's responsibilities to have regard to the Heritage NZ list, and that the additional buildings/sites should be included.

1230. I also note however that these privately owned sites have not been engaged by Council through the PDP process. I acknowledge that they had the opportunity to lodge a further submission in support or opposition to Heritage NZ [70.59]. None were received to this effect; however, I do not wish to convey that this suggests any support or opposition to the proposal by the private owners.

4.13.4.2 Summary of recommendations

1231. **HS3-Rec297:** That a Truby King Heritage Area is added to SCHED3 as detailed by Ms Smith, noting that this recommendation would have the effect of adding heritage protection to sites not contained in the notified PDP.

1232. **HS3-Rec298:** That submissions on the Truby King Heritage Area are accepted/rejected as detailed in Appendix B.

Claremont Grove

1233. Tim Bright [75.14] and Vivienne Morrell [155.21]: Add Claremont Grove to SCHED3.

1234. Alan Olliver & Julie Middleton [111.13 (supported by Wellington's Character Charitable Trust FS82.202)] and Mount Victoria Historical Society [214.15 (supported by Wellington's Character Charitable Trust FS82.180)]: Add new heritage area for Claremont Grove that includes the following properties:

- a) 1 Claremont Grove
- b) 3 Claremont Grove
- c) 5 Claremont Grove

- d) 7 Claremont Grove
- e) 9 Claremont Grove
- f) 15 Claremont Grove
- g) 16 Austin Street
- h) 18 Austin Street
- i) 20 Austin Street
- j) 22 Austin Street
- k) 11 Austin Street
- l) 13 Austin Street
- m) 17 Austin Street

Reasons

1235. The submitters consider Claremont Grove represents the Victoria Bowling Club, and both were a hub for Mt Vic in early days, many founders still exist around Mt Vic, two of the houses in the area are on the Heritage Building List already and high development of surrounding properties would destroy the heritage value of the two properties.

4.13.4.3 Assessment

1236. Ms Smith has considered the submitters request to add the identified properties into a heritage area. She has concluded that the collection of properties may meet the significance criteria to be scheduled in the district plan but further research is needed to demonstrate this. She does not recommend scheduling at this stage. I agree with her assessment.

1237. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.4 Summary of recommendations

1238. **HS3-Rec299:** That a Claremont Grove Heritage Area is not included on SCHED3 – Heritage Areas.

1239. **HS3-Rec300:** That submissions on a Claremont Grove Heritage Area are accepted/rejected as detailed in Appendix B.

Lower Ellice Street

1240. Vivienne Morrell [155.22] add new SCHED3 area for lower Ellice Street.

1241. Alan Olliver & Julie Middleton [111.14 (supported by Wellington's Character Charitable Trust FS82.203)]: Add new heritage area for lower Ellice Street that includes the following properties:

- a) 21 Ellice Street
- b) 23 Ellice Street
- c) 25 Ellice Street
- d) 27 Ellice Street
- e) 28 Ellice Street

- f) 31 Ellice Street
- g) 32 Ellice Street
- h) 33 Ellice Street
- i) 35 Ellice Street
- j) 37 Ellice Street
- k) 39 Ellice Street
- l) 41 Ellice Street

Reasons

1242. The submitter considers that lower Ellice Street is composed of significant Victorian houses and considers that the relative integrity of the houses, their homogeneity, shared history and picturesque qualities mark this as an area of high heritage value.

4.13.4.5 Assessment

1243. Ms Smith has considered the submitters' request to add a dozen properties in Ellice Street into a heritage area. She has concluded that the properties are likely to meet the criteria for scheduling in the PDP. To be certain she identifies that work is required to reformat the 2017 report and assess the area against the criteria for scheduling. She does not recommend that they be added to SHCED3-Heritage Areas at this point. I agree with her assessment.

1244. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

1245. In addition, this section of Ellice St is adjacent to a Let's Get Wellington Moving package of upgrades identified in the LGWM Preferred Option Report⁸ and endorsed by the LGWM partners.

1246. The package includes grade separation at the Basin Reserve, new walking and cycling connections, and a new Mt Victoria tunnel(s) to enable new public transport and active transport lanes. The Council did not add new heritage protection for Ellice St in the PDP at the time because the area may have been needed for this new infrastructure and related city block reshaping. Now the LGWM programme has moved into Detailed Business Case stage, there is more certainty about potential works in this area. The Ellice Street properties identified by the submitter are less likely to be needed for the LGWM works identified in the Preferred Option Report, though the properties on the western end are likely to adjoin LGWM works. This LGWM information can feed into a future plan change or variation to decide whether and how to protect these Ellice Street properties in the district plan.

⁸ <https://lgwm-prod-public.s3.ap-southeast-2.amazonaws.com/public/Projects/Mass-Transit/MRT-technical-documents/LGWM-Preferred-Programme-Options-Report-28-June-Post-Board.pdf>

4.13.4.6 Summary of recommendations

1247. **HS3-Rec301:** That SCHED3 – Heritage Areas is not amended to include properties in Lower Ellice Street.
1248. **HS3-Rec302:** That submissions on a Lower Ellice Street Heritage Area are accepted/rejected as detailed in Appendix B.

Te Ngākau Civic Square

1249. Historic Places Wellington [182.47 (opposed by Willis Bond and Company Limited FS12.5)] and Wellington’s Character Charitable Trust [233.40]: Add Te Ngākau Civic Square as a heritage area.

Reasons

1250. No reasons provided.

4.13.4.7 Assessment

1251. Ms Smith identifies that the Civic Square Heritage Area was established in Plan Change 48 to the ODP, and that it is proposed to be removed in the PDP and replaced by the ‘Te Ngākau Civic Square Precinct’. I agree with her assessment of the mechanics of the ODP heritage area provisions with respect to the identification of contributing, scheduled heritage buildings and non-heritage buildings.
1252. The stated purpose of the Precinct (CCZ-PREC-O1) is that ‘Te Ngākau Civic Square Precinct is a vibrant, safe, resilient, connected and inclusive environment supported by a range of activities that complement its primary civic function’. The objective for built form (CCZ-PREC-O2) contains clear direction that the scale, form and positioning of development within the Te Ngākau Civic Square Precinct ‘Respects and reinforces the distinctive form and scale of existing associated historic heritage buildings, architecture and public space’. These objectives set up policies which require management of heritage values and the relationship between heritage buildings (eg, CCZ-PREC01-P2, CCZ-PREC01-P4). Collectively, these provisions establish a framework to enable regeneration of the Te Ngākau Civic Square Precinct ensuring that heritage values are recognised and respected in the process.
1253. I note Ms Smith’s view that the Wellington Central Library, Municipal Office Building and Michael Fowler Centre are in her opinion strong contenders for entry on SCHED1 subject to further research and assessment against the RPS criteria.
1254. With respect to the Municipal Old Building, I identify that on 10 December 2020 the Strategy and Policy Committee agreed that in the context of the Te Ngākau Precinct, the preferred regeneration option was to demolish the building and replace it with a new one. In passing this resolution it noted the contributory status of the building within the ODP and that a resource consent would be required to demolish.
1255. Ms Smith identifies that heritage values do change over time and that it is good practice to review and audit places over time. I understand that to inform the redevelopment of the

precinct, a conservation plan has been undertaken for the area. This is consistent with the intent of the Te Ngākau Civic Precinct Framework (October 2021) which was agreed by Council which states that a Conservation Plan should be prepared for the precinct to guide how change can occur.

1256. Ms Smith concludes by recommending that the Council undertakes research and assessment of the Te Ngākau Civic Centre Heritage Precinct to identify, research and assess significant heritage buildings and structures for the purpose of policy CCZ-PREC01-P4, and for addition to SCHED1 and SCHED2. She does not recommend inclusion on the schedule at this time. I agree with that assessment.

4.13.4.8 Summary of recommendations

1257. **HS3-Rec303:** That SCHED3 is not amended to include a Civic Square Heritage Area as contained in the ODP, and instead contains a Te Ngākau Civic Square Precinct within the City Centre Zone (addressed in hearing stream 4).

1258. **HS3-Rec304:** That submissions on a Civic Square Heritage Area are accepted/rejected as detailed in Appendix B.

Newtown

1259. Sam Stocker & Patricia Lee [216.6 (supported by Claire Nolan, James Fraser, Margaret Franken, Biddy Bunzel, Michelle Wooland, Lee Muir FS68.51)]: Include any areas that contain pre-1935 buildings.

1260. Grace Ridley-Smith [309.13]: Add a Heritage Area around Emmitt Street, Green Street and Wilson Street.

1261. Claire Nolan, James Fraser, Biddy Bunzl, Margaret Franken, Michelle Wolland, and Lee Muir [275.52]: Include the following sites as a new heritage area:

- a) Emmett St 6, 8, 10A, 12, 14, 16, 18, 20.
- b) Green St 1, 5, 7, 7A, 9, 13, 15, 17, 19, 2, 2A, 4, 6, 10, 12, 14, 18, 20.
- c) Donald Maclean St 16, 24, 28, 30, 36, 38, 17, 19, 21, 25, 27, 29, 31, 33, 35, 37.
- d) Normanby St 12, 14, 16, 18, 20, 22, 24, 30, 32, 34, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41.

1262. Gregory Webber [33.8 (supported by Wellington's Character Charitable Trust FS82.220)]: Add Green Street as a Heritage Area.

Reasons

1263. Gregory Webber considers Green Street be given heritage protection to match Coromandel Street and Wilson Street as these have similar era housing.

1264. Sam Stocker & Patricia Lee consider that too much historic character areas have been left out of the Newtown and Berhampore areas which will impact quality of life for their community.

4.13.4.9 Assessment

1265. Ms Smith has considered the values of the suggested streets with reference to those of Coromandel Street pointed out by the submitters. She has concluded that while indeed similar, further research is needed to demonstrate that Green, Emmett, Donald McLean, and Normanby Streets meet the criteria for listing. I agree with her assessment.

1266. I do not consider that treating any areas that include pre-1935 buildings is a robust and defensible method for identifying heritage areas in the PDP. Without detailed heritage evaluations Council cannot be certain that the criteria for listing is met in light of the requirements of the NPS-UD for heritage as a qualifying matter. In absence of heritage criteria being satisfied, a site specific assessment to justify an 'other' qualifying matter such as character precincts is required. In any case, a detailed information base and justification is required to identify places as having wider heritage or character values, rather than being based on the date in which a building was constructed.

1267. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.10 Summary of recommendations

1268. **HS3-Rec305:** That Green, Emmett, Donald McLean, and Normanby Streets are not included on SCHED3 – Heritage Areas.

1269. **HS3-Rec306:** That submissions on Heritage areas for Green, Emmett, Donald McLean, and Normanby Streets are accepted/rejected as detailed in Appendix B.

Hay Street Area

1270. Wellington's Character Charitable Trust [233.38]: Include Hay Street Area as a Character Precinct or Heritage Area.

1271. Pukepuke Pari Residents Incorporated [237.3 (opposed by Escape Investments Limited FS136.86)] seeks that development in Hay Street is restricted due to the heritage values (as a qualifying matter).

Reasons

1272. The submitter considers that evidence from the Hay Street Heritage Report (July 2021) supports Hay Street being a Character Precinct and/or a Heritage Area.

4.13.4.11 Assessment

1273. Ms Smith has reviewed the detailed submissions which included a heritage evaluation by Mr Michael Kelly and Sarah Poff. She identifies that the work has been carried out to a very high standard and is in general agreement that the area has heritage values that are likely to meet the criteria for scheduling.

1274. She recommends that with some further work and research (particularly to identify buildings are contributing and those which do not) a reduced area which omits Bayview Terrace and properties along Oriental Parade could have merit for scheduling in the district plan.

1275. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can also be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.12 Summary of recommendations

1276. **HS3-Rec307:** That a Heritage Area with the extent submitted by Wellington's Character Charitable Trust is not added to SCHED3-Heritage Areas.

1277. **HS3-Rec308:** That conferencing is undertaken between Ms Smith and Mr Kelly considering agreement between experts to assist in determining the extent of a potential heritage area.

1278. **HS3-Rec309:** That submissions on a Hay Street Heritage Area are accepted/rejected as detailed in Appendix B.

Hobson Street

1279. Marilyn Powell [281.4 (supported by Thorndon Residents' Association Inc FS69.75)]: Add the area of High Density Residential Zone at Hobson Street.

Reasons

1280. The submitter considers that the area has many housing examples of the Victorian merchant-class, is a suggested tourist walking trail to visit the Katherine Mansfield House amongst other notable buildings, and pre-covid tour buses included Hobson Street on their route.

4.13.4.13 Assessment

1281. Ms Smith has considered the submitters request to add the identified properties into a heritage area. She has concluded that the collection of properties may meet the significance criteria to be scheduled in the PDP but further research is needed to demonstrate this. She does not recommend scheduling at this stage. I agree with her assessment.

1282. I note that the area which the submitter has requested be identified as a heritage area has been proposed as a character precinct in the reporting officers S42A report. This would have the effect of managing streetscape and character values of the area.

1283. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.14 Summary of recommendations

1284. **HS3-Rec310:** That the area of Hobson Street is not included on SCHED3 – Heritage Areas.

1285. **HS3-Rec311:** That submissions on a Hobson Street Heritage Area are accepted/rejected as detailed in Appendix B.

Epuni Street

1286. Lisa Nickson, Garrick Northover and Warren Sakey [313.5] seeks that the rows and cottages to the west of Epuni Street are included as a heritage area.

Reasons

1287. The submitter considers that the rows of cottages and villas to the west of Epuni Street have heritage value and should be scheduled as heritage as these are a significant factor in the attractiveness of the area and HRZ zoning will destroy this.

4.13.4.15 Assessment

1288. Ms Smith has considered the submitters request to add the identified properties into a heritage area. She has concluded that the collection of properties may meet the significance criteria to be scheduled in the PDP but further research is needed to demonstrate this. She does not recommend scheduling at this stage. I agree with her assessment.

1289. I note that the area which the submitter has requested be identified as a heritage area has been notified within character precinct PDP. This would have the effect of managing streetscape and character values of the area.

1290. I note procedural concerns that properties be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. Despite this, the properties can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.16 Summary of recommendations

1291. **HS3-Rec312:** That the area of Epuni Street is not included on SCHED3 – Heritage Areas.

1292. **HS3-Rec313:** That submissions on an Epuni Street Heritage Area are accepted/rejected as detailed in Appendix B.

Tawa Cemetery

1293. Richard Herbert [360.10]: Add Tawa Cemetery as follows:

Address - 307 Main Road, Tawa

Name - Tawa Cemetery

Legal Descriptions – PT SEC 52 PORIRUA DISTRICT-CLOSED CEMETERY

Protection required – Includes all above and below ground features

Values – A, B, C, E, F

1294. Tawa Historical Society [386.2]: Add Tawa Cemetery to SCHED3.

Reasons

1295. The submitters consider that Tawa Cemetery should be classified as a Historic Reserve in SCHED3 and should be classified as a Heritage Area in keeping with other historic cemeteries of Wellington.

4.13.4.17 Assessment

1296. Ms Smith has identified that three cemeteries are included in SCHED3 as heritage areas. With respect to Tawa Cemetery, Ms Smith has turned her mind to the Council's cemetery management plan which notes that consideration of scheduling Tawa Cemetery will be considered at the same time as Karori Cemetery and the commitment to prepare a conservation plan for the place. She concludes that more research should be considered by the Council to demonstrate the cemetery meets the criteria for listing. She does not recommend including it on the heritage schedule at this time. I agree with her assessment.

1297. I understand that work is now beginning to develop a conservation plan for the Karori Cemetery.

4.13.4.18 Summary of recommendations

1298. **HS3-Rec314:** That Tawa Cemetery at 307 Main Road, Tawa is not added to the heritage schedule.

1299. **HS3-Rec315:** That submissions on Tawa Cemetery are accepted/rejected as detailed in Appendix B.

Tawa Flat Railway Station

1300. Tawa Historical Society [386.3]: Add the former Tawa Flat Railway Station to SCHED 3.

Reasons

1301. The submitter considers that the former Tawa Flat Railway Station site was a major communications route through the area and part of Tawa's link to the outside world during the late 19th and early 20th centuries. The submitter considers it has the following heritage values: A, B, C, E, F.

4.13.4.19 Assessment

1302. Ms Smith has considered the submitters' request to the station as a heritage area. She has concluded that the station and area around it may meet the significance criteria to be scheduled in the PDP but further research is needed to demonstrate this. She does not recommend scheduling at this stage. I agree with her assessment.

1303. I note that the building can be added to the Council's Heritage Team's database of nominations for detailed heritage evaluations.

4.13.4.20 Summary of recommendations

1304. **HS3-Rec316:** That the former Tawa Flat Railway Station to is not added to SCHED 3.

1305. **HS3-Rec317:** That submissions on Tawa Flat Railway Station are accepted/rejected as detailed in Appendix B.

4.14 Schedule 4 – Schedule archaeological sites

Burial Site at 28 Westchester Drive

1306. Claire Bibby [329.5]: Add the burial site, dating back to 1841 at 28 Westchester Drive to SCHED2.

Reasons

1307. The submitter considers that this would ensure it is not destroyed accidentally and will enable a property archaeological investigation to be carried out.

4.14.1.1 Assessment

1308. Ms Smith has considered the archaeological report provided by the submitter. She has identified that the site is managed by the HNZPT Act Archaeological Authority requirements. She does not recommend that the site be added to SCHED4 – Scheduled Archaeological Sites.

1309. I do not consider that the sites should be added given Ms Smith's advice and that it is not understood whether the site meets the significance criteria to be listed in the plan.

4.14.1.2 Summary of recommendations

1310. **HS3-Rec318:** That the Burial Site at 28 Westchester Drive is not added to SCHED4 – Scheduled Archaeological Sites.

1311. **HS3-Rec319:** That submissions on a Burial Site at 28 Westchester Drive are accepted/rejected as detailed in Appendix B.

Tawa Valley Railway lines

1312. Tawa Historical Society (386.4) considers that SCHED4 should be amended to include a listing for the Tawa railway lines.

Reasons

1313. The Tawa Historical Society would like to create and promote a heritage trail along this route.

4.14.1.3 Assessment

1314. Ms Smith has considered the submission and examined the criteria for scheduling. She is of the view that further research is required, informed by community input on the identification of those parts of the track that are significant.

4.14.1.4 Summary of recommendations

1315. **HS3-Rec320:** That the Tawa Valley Railway lines are not added to SCHED4 – Scheduled Archaeological Sites.

1316. **HS3-Rec321:** That submissions on the Tawa Valley Railway lines are accepted/rejected as detailed in Appendix B.

Corrections identified by Heritage NZ

1317. Heritage NZ (70.71 & 70.72) considers that there are errors in two entries in SCHED4. These are items 1 Kau Point Battery, and 3 Karori Goldmining and Dam remains.

4.14.1.5 Assessment

1318. Ms Smith agrees with Heritage NZ's recommendations. I agree with her assessment.

4.14.1.6 Summary of recommendations

1319. **HS3-Rec322:** That the SCHED4 entries for item 1 (Kau Point Battery) and Item 3 (Karori Gold mines) be amended as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #	NZAA Ref #
1	260 Massey Road, Maupuia 6022	Proposed Kau Point Battery, Motu Kairangi / Miramar Peninsula	Pt Sec 2 Watts Peninsula District	Proposed extent approximately 0.3 hectares and includes the gun pit, casemate and ammunition store, fire command post and telephone room	A,B,C,E,F	NZTM E1753388 N5427461 [estimated central point of gun pit]	Kau Point Battery Category I Historic Place, No. 7542	R27/168

3	Waiapu Road, Karori	Karori Gold-mining complex and Dam	Part Lot 66 DP 1871, Part Section 32, Karori District, Part Lot 1 DP 313319	The known and probable mines and features associated with the prospecting activities of the Golden Crown, Union, Baker's Hill and Morning Star companies and the Wellington Prospecting Association (1881) recorded as archaeological sites: R27/201, R27/713,	A,B,C,E,F	1746597 N5427027	Not listed	R27/201 R27/713 R27/714 R27/715 R27/716
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				<p>R27/714, R27/715 and R27/716 (mine entrances, vent shafts, adits). This extent should include a 20m buffer around known features and be expanded to include other, as yet unidentified mining-related features if and when they are located.</p>				
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1320. **HS3-Rec323:** That submissions on the accuracy of SCHED4 are accepted/rejected as detailed in Appendix B.

5.0 Notable Trees

5.1 Notable Trees – General Submissions

5.1.1.1 Matters raised by submitters

1321. Living Streets Aotearoa [482.44] seeks that the notable trees chapter be retained as notified.

5.1.1.2 Assessment

1322. No further assessment is required.

5.1.1.3 Summary of recommendations

1323. **HS3-Rec324:** That general submissions on Notable Trees are accepted/rejected as per Appendix B.

5.2 Notable Trees – Definitions

5.2.1.1 Matters raised by submitters

‘Root Protection Area’

1324. Jeremy Partridge [102.1] seeks an amendment to the definition of ‘Root Protection Area’ to use the 12 times stem diameter method recommended by the NZ Arboricultural Association and not be based on the dripline or half tree height method taken from BS5837 1991.

1325. Argosy Property No.1 Limited [383.5] similarly seeks that the current definition of ‘Root Protection Area’ is deleted and replaced with the methodology most commonly used by arborists in New Zealand (from the Australian Standard).

‘Technician Arborist’

1326. Royal Forest and Bird Protection Society [345.15] seeks that the definition of ‘Technician Arborist’ is retained as notified.

1327. Argosy Property No.1 Limited [383.6] seeks that the definition of ‘Technician Arborist’ is amended and considers that an arborist could have the necessary expertise to be a technician arborist without the specified qualification.

‘Tree’

1328. Royal Forest and Bird Protection Society [345.16] seeks that the definition of ‘Tree’ is retained as notified.

‘Trimming and Pruning’

1329. Argosy Property No.1 Limited [383.7] seeks that the definition of ‘Trimming and Pruning’ is retained as notified.

‘Works Arborist’

1330. Royal Forest and Bird Protection Society [345.17] seeks that the definition of ‘Works Arborist’ is retained as notified.

1331. Argosy Property No.1 Limited [383.8] seeks that the definition of ‘Works Arborist’ is retained as notified.

5.2.1.2 Assessment

1332. I understand that Root Protection Area method proffered by Jeremy Partridge [102.1] and Argosy Property No.1 Limited [383.5] is accepted as best practice in the Arboriculture profession. Such was also the advice of Mr William Melville Council’s Park Services Manager. I accept that it is likely to more appropriately reflect the extent of a root network that may be affected by disturbance. I note that these areas are calculated using mathematic formulas.

1333. My general preference is to adopt best practice methods, but after considering the practicalities of a measurement based method for defining root protection area, I am more supportive of retaining the notified ‘dripline’ based approach.

1334. My reasons include that devising the root protection area using the 12 times stem diameter method necessarily requires measurement of the stem diameter and in the case of a tree located on a neighbouring property would require access to private property to do so. In the case of the notified definition, neighbouring landowners can essentially eyeball the root protection area (especially for spreading canopies) and offers a more efficient methodology overall.

1335. In addition, the notified approach is commonly applied in most district plans across the country and is common to all district plans within the Wellington region. Aligning the approach across the region will make it more efficient for arborists and planners knowing that there is a common methodology for identifying the root protection area.

1336. Regarding the amendments sought to the definition of ‘Technician Arborist’ from Argosy Property No.1 Limited [383.8], no changes are recommended. The proposed definition provides an appropriate balance between flexibility of the expertise (enabling Level 6 NZ Diploma, or equivalent standard), without creating administrative burden involved in determining what would be equivalent experience. The risk if there is no required qualification for a Technician Arborist, is that works may result in adverse effects on tree health, particularly if such works are undertaken by individuals without a recognised comprehensive qualification.

5.2.1.3 Summary of recommendations

1337. **HS3-Rec325:** That definitions of ‘Root Protection Area’, ‘Technician Arborist’, ‘Tree’, ‘Trimming and Pruning’ and ‘Works Arborist’ be confirmed as notified.

1338. **HS3-Rec326:** That submissions on definitions relating to Notable Trees are accepted/rejected as per Appendix B.

5.3 Notable Trees – New Provisions Sought

5.3.1.1 Matters raised by submitters

1339. Waka Kotahi [301.176] proposes a new rule to the Notable Tree chapter to enable relocation, removal, or destruction of notable trees for maintenance and development of infrastructure.

1340. Director-General of Conservation [385.34] seeks provisions are added to address the management of Kauri Dieback, particularly around earthworks and measures to prevent spread of the disease.

5.3.1.2 Assessment

1341. Regarding the submission from Waka Kotahi [301.176] seeking a new rule for notable trees and the development of infrastructure, the ‘Infrastructure – Other Overlays’ chapter contains a rule framework for infrastructure and notable trees. Consequently, the relief sought will be further addressed in Hearing Stream 9 on Infrastructure.

1342. In response to the submission from Director-General of Conservation [385.34] I understand the severity of Kauri dieback that has affected kauri forests especially in Auckland and the upper North Island. There are four listed kauri in the notified SCHED6 – Notable trees. Given this small number, the main way which the hygiene responses sought by the submitter can be implemented at present lie outside of the district plan through [guidance for working around trees](#) and process refinements within the Council’s park network. Despite this more might be added to the schedule over time and some relief sought can be granted in my view through the inclusion of a matter of discretion recognising the need for precautionary measures around kauri trees in the relevant rule *TREE-R2: Activity and development within the root protection area of notable trees* and additional clause in standard HH-S4.

5.3.1.3 Summary of recommendations

1343. **HS3-Rec327:** That TREE-R2 is amended as detailed below and detailed in Appendix A:

TREE-R2	Activity and development within the root protection area of notable trees
All Zones	<p>4. <u>2.</u> Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of TREE-R2.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <ol style="list-style-type: none"> The matters in TREE-P5. <u>If the Notable Tree is a Kauri, measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil.</u> <p>Notification status: An application for resource consent made in respect of rule TREE-R2.2 is precluded from being either publicly or limited notified.</p>

1344. **HS3-Rec328:** That TREE-S4 is amended as detailed below and detailed in Appendix A:

TREE-S4	Works in the root protection area
All Zones	<ol style="list-style-type: none"> All works must be undertaken under the direction of a technician arborist; Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the root protection area at a depth of 1m or greater; The surface area of a single excavation must not exceed 1m²; Works involving root pruning must not be on roots greater than 35mm in diameter at severance; Works must not disturb more than 10 per cent of the root protection area; Any machines used must operate on top of paved surfaces and/or ground protection measures; Any machines used must be fitted with a straight blade bucket; and <u>Measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil must be included if the tree is a Kauri; and</u> Council is advised at least 10 working days prior to the work commencing.

1345. **HS3-Rec329:** That submissions on Kauri Dieback are accepted/rejected as per Appendix B.

5.4 Notable Trees – Objectives

5.4.1 TREE-O1: Purpose

5.4.1.1 Matters raised by submitters

1346. Argosy Property No.1 Limited [383.54] and Te Rūnanga o Toa Rangatira [488.43] seek that TREE-O1 is retained as notified.

1347. Royal Forest and Bird Protection Society [345.152] seeks an amendment to TREE-O1 to ensure notable trees do not include pest species that are registered weed species as per the pest definition in the PDP.

5.4.1.2 Assessment

1348. I have considered the submissions from Royal Forest and Bird Protection Society [345.152] with respect to pest species. In this regard I have looked towards the RPS for any substantive policy direction regarding whether trees which are pest species should be identified and protected as notable trees in district plans. Unfortunately, the RPS is silent on this matter.

1349. I am advised by Mr Melville that these trees are noted in the national pest accord as trees that cannot be propagated or sold, but not at a local level as trees that must be removed. He also advises that the relative level of risk posed by the notable trees which are pest species to the wider ecosystem of Wellington City is negligible. I accept his advice that the risk posed by these trees is low, and that there are maintenance options available to keep risk low.

1350. On balance I consider that it is appropriate that pest species are listed in the PDP and that no exclusion be added.

5.4.1.3 Summary of recommendations

1351. **HS3-Rec330:** That TREE-O1 is confirmed as notified.

1352. **HS3-Rec331:** That submissions on TREE-O1 are accepted/rejected as set out in Appendix B.

5.4.2 TREE-O2: Protecting notable trees

5.4.2.1 Matters raised by submitters

1353. Argosy Property No.1 Limited [383.55] and Royal Forest and Bird Protection Society [345.153] seek that TREE-O2 is retained as notified.

5.4.2.2 Assessment

1354. No further assessment is required.

5.4.2.3 Summary of recommendations

1355. **HS3-Rec332:** That TREE-O2 is confirmed as notified.

1356. **HS3-Rec333:** That submissions on TREE-O2 are accepted/rejected as set out in Appendix B.

5.4.3 TREE-O3: Maintaining notable trees

5.4.3.1 Matters raised by submitters

1357. Argosy Property No.1 Limited [383.56] and Royal Forest and Bird Protection Society [345.154] seek that TREE-O3 is retained as notified.

5.4.3.2 Assessment

1358. No further assessment is required.

5.4.3.3 Summary of recommendations

1359. **HS3-Rec334:** That TREE-O3 is confirmed as notified.

1360. **HS3-Rec335:** That submissions on TREE-O3 are accepted/rejected as set out in Appendix B.

5.5 Notable Trees – Policies

5.5.1 TREE-P1: Identifying notable trees

5.5.1.1 Matters raised by submitters

1361. Argosy Property No.1 Limited [383.57] seeks that TREE-P1 is retained as notified.

1362. Royal Forest and Bird Protection Society [345.155] seek the addition of ‘age, height and irreplaceability’ in the list of matters to have regard to. They also seek policy direction to enable further surveys of notable trees and provide for the inclusion of additional trees in SCHED6 over the life of the plan.

5.5.1.2 Assessment

1363. I have considered the submission from Royal Forest and Bird Protection Society [345.155] and consider that these matters are already addressed by STEM assessment processes and are sufficiently covered by the higher order criteria in the notified clauses.

1364. I do not support adding a process for identifying and adding new trees to the schedule by way of a policy in the PDP as this could unintentionally fetter Council’s regulatory discretion. Plan changes are likely to be undertaken in the future, including changes to introduce further trees into SCHED6, but these are likely to be prioritised by way of urgency to respond to immanent or anticipated resource management issues.

1365. Regardless, the mechanisms outlined can occur in the absence of the suggested amendments. In the case of the requested clause (a) *‘requiring assessments of trees for subdivision, development and land use consent applications’* I am of the opinion that this is a very broad and unnecessarily rigorous requirement for all resource consents. Here I would note that there is existing policy direction in the zone based chapters (eg MRZ-P10 ‘vegetation and landscaping’) which is intended to provide direction in a similar vein to the relief sought by the submitter.

5.5.1.3 Summary of recommendations

1366. **HS3-Rec336:** That TREE-P1 is retained as notified.

1367. **HS3-Rec337:** That submissions on TREE-P1 are accepted/rejected as set out in Appendix B.

5.5.2 TREE-P2: Support for landowners

5.5.2.1 Matters raised by submitters

1368. Argosy Property No.1 Limited [383.58] and Royal Forest and Bird Protection Society [345.156] seek that TREE-P2 is retained as notified.

5.5.2.2 Assessment

1369. No further assessment required.

5.5.2.3 Summary of recommendations

1370. **HS3-Rec338:** That TREE-P2 is confirmed as notified.

1371. **HS3-Rec339:** That submissions on TREE-P2 are accepted/rejected as set out in Appendix B.

5.5.3 TREE-P3: Allowing trimming and pruning of notable trees

5.5.3.1 Matters raised by submitters

1372. Argosy Property No.1 Limited [383.59], Royal Forest and Bird Protection Society [345.157] and Waka Kotahi [370.177] seek that TREE-P3 is retained as notified.

5.5.3.2 Assessment

1373. No further assessment required.

5.5.3.3 Summary of recommendations

1374. **HS3-Rec340:** That TREE-P3 is confirmed as notified.

1375. **HS3-Rec341:** That submissions on TREE-P3 are accepted/rejected as set out in Appendix B.

5.5.4 TREE-P4: Other trimming and pruning

5.5.4.1 Matters raised by submitters

1376. Argosy Property No.1 Limited [383.60] and Royal Forest and Bird Protection Society [345.158] seek that TREE-P4 is retained as notified.

5.5.4.2 Assessment

1377. No further assessment required.

5.5.4.3 Summary of recommendations

1378. **HS3-Rec342:** That TREE-P4 is confirmed as notified.

1379. **HS3-Rec343:** That submissions on TREE-P4 are accepted/rejected as set out in Appendix B.

5.5.5 TREE-P5: Managing activities in the root protection area

5.5.5.1 Matters raised by submitters

1380. Argosy Property No.1 Limited [383.61] and Royal Forest and Bird Protection Society [345.159] seek that TREE-P5 is retained as notified.

5.5.5.2 Assessment

1381. No further assessment required.

5.5.5.3 Summary of recommendations

1382. **HS3-Rec344:** That TREE-P5 is confirmed as notified.

1383. **HS3-Rec345:** That submissions on TREE-P5 are accepted/rejected as set out in Appendix B.

5.5.6 TREE-P6: Repositioning and relocation

5.5.6.1 Matters raised by submitters

1384. Argosy Property No.1 Limited [383.62], Royal Forest and Bird Protection Society [345.160] and Waka Kotahi [370.178] seek that TREE-P5 is retained as notified.

5.5.6.2 Assessment

1385. No further assessment required.

5.5.6.3 Summary of recommendations

1386. **HS3-Rec346:** That TREE-P6 is confirmed as notified.

1387. **HS3-Rec347:** That submissions on TREE-P6 are accepted/rejected as set out in Appendix B.

5.5.7 TREE-P7: Destruction

5.5.7.1 Matters raised by submitters

1388. Royal Forest and Bird Protection Society [345.161] seeks that TREE-P7 is retained as notified.

1389. Waka Kotahi [370.179 and 370.180] seeks that TREE-P7 is retained, subject to amendments to enable destruction of a notable tree where necessary for purposes of maintaining or developing infrastructure.

1390. Argosy Property No.1 Limited [383.63] seeks an amendment to TREE-P7 to refer to “destruction and removal”.

5.5.7.2 Assessment

1391. In response to the submission from Waka Kotahi [370.179 and 370.180], regarding notable trees and the development of infrastructure, the ‘Infrastructure – Other Overlays’ chapter contains a rule framework for the maintenance and development of infrastructure where this involves works within the root protection areas of notable trees. A note is included in TREE-R2 clarifying that it does not apply to network utilities. I note that this will be further addressed in Hearing Stream 9 on Infrastructure.

1392. With respect to demolition and the relevant rule (TREE-R3) I do not consider it appropriate to set out a framework in the policy that provides for the removal of trees for the maintenance and development of infrastructure without having first exhausted the reasonable alternatives

of repositioning and relocation. Removal for infrastructural purposes could still be granted following demonstration that there are no reasonable alternatives.

1393. I accept the submission from Argosy Property No.1 Limited [383.63], the change to the title to include 'and removal' as this addresses the part of the policy regarding repositioning and relocation. Consequential changes to the text in the policy is also recommended for consistency.

5.5.7.3 Summary of recommendations

1394. **HS3-Rec348:** Amend TREE-P7 (Destruction) to include reference to 'removal' as detailed in Appendix A.

1395. **HS3-Rec349:** That submissions on TREE-P7 are accepted/rejected as set out in Appendix B.

5.6 Notable Trees – Rules

5.6.1 TREE-R1: Trimming and pruning of notable trees

5.6.1.1 Matters raised by submitters

1396. Royal Forest and Bird Protection Society [345.162] and Waka Kotahi [370.181] seek that TREE-R1 is retained as notified.

1397. Argosy Property No.1 Limited [383.64] supports TREE-R1.1 to the extent that it enables trimming and pruning of trees to be permitted in appropriate circumstances. They also support the default activity status for activities that do not comply with TREE-R1 to be restricted discretionary. However, they consider that it is also appropriate for trimming and pruning to be permitted where the works will maintain or improve tree health, noting that this would allow for ongoing maintenance to protect the health of notable trees.

5.6.1.2 Assessment

1398. In response to the submission from Argosy Property No.1 Limited [383.64], an indent to the bulleted list is recommended for clarity. However, I do not recommend a change to include works for maintaining tree health as a permitted activity. In this regard Mr William Melville, Council's Park Services Manager, has advised that trees do not typically require more general trimming and pruning in order to maintain their health beyond the allowances already set out in the rule (removal of broken branches, dead wood and diseased vegetation). As such I consider it appropriate to retain a resource consent for more general trimming works.

5.6.1.3 Summary of recommendations

1399. **HS3-Rec350:** Amend TREE-R1 (Trimming and pruning of notable trees) to increase readability of rule as detailed in Appendix A.

1400. **HS3-Rec351:** That submissions on TREE-R1 are accepted/rejected as set out in Appendix B.

5.6.2 TREE-R2: Activity and development within the root protection area of notable trees

5.6.2.1 Matters raised by submitters

1401. Royal Forest and Bird Protection Society [345.163] and Waka Kotahi [370.182] seek that TREE-R2 is retained as notified.
1402. Argosy Property No.1 Limited [383.65] seeks that TREE-R2 is amended to refer to existing footpaths.
1403. Johnathon Anderson [397] seeks to further restrict Permitted activities that favour roading, infrastructure and network utilities to provide greater protection to scheduled trees including where the rules provide 'convenient' reasons to undertake works.

5.6.2.2 Assessment

1404. In response to the submission from Argosy Property No.1 Limited [383.65] I agree, in the interests of clarity, that 'footpaths' be added to the clause. They were intended to be covered by the term 'roading', but the amendment makes this clearer.
1405. I acknowledge Mr Anderson's concerns that the rules are too permissive but, on balance, I consider they strike an appropriate middle ground of ensuring enabling works are properly supervised and undertaken by qualified arborists to ensure tree health. I also note that no compelling reasons to support the relief sought or specific wording amendments have been offered.
1406. I identify an issue with the third clause in TREE-R2.1 relates entirely to infrastructure that would be managed by the provisions in the 'Infrastructure – other overlays' chapter. There is a note intended to reflect this under the rule. In this way the TREE-R2.1.b should be deleted, as well as TREE-R2.1.c. I recommend that TREE-S4 be moved into a matter of discretion for TREE-R2.2 as these controls will be necessary for other works within the root protection area. I would also suggest that in the Infrastructure – Other Overlays chapter that TREE-S4 be considered as a standard that works within the root protection area be subject to, and this matter revisited in Hearing Stream 9.

5.6.2.3 Summary of recommendations

1407. **HS3-Rec352:** That TREE-R2 is amended to delete TREE-R2.1.b and TREE-R2.1.c with TREE-S4 being moved into a matter of discretion in the Restricted Discretionary step of the rule.
1408. **HS3-Rec353:** That submissions on TREE-R2 are accepted/rejected as set out in Appendix B.

5.6.3 TREE-R3: Destruction, relocation or removal of notable trees

5.6.3.1 Matters raised by submitters

1409. Royal Forest and Bird Protection Society [345.164], Waka Kotahi [370.183] and Argosy Property No.1 Limited [383.66] seek that TREE-R3 is retained as notified.

1410. Jeremy Partridge [102.2] seeks the deletion of the ability to remove notable trees as a permitted activity in TREE-R3 if it is deemed to be in terminal decline by a technician arborist.

5.6.3.2 Assessment

1411. I have considered the submission of Jeremy Partridge [102.2] and the permitted removal of a tree in terminal decline.

1412. This clause has been included due to examples where notable trees have been dead or in terminal decline and the only way to authorise their removal has been through applying for a resource consent either before or after the fact. In my view this is neither efficient or effective.

1413. I consider that the proposed approach is a pragmatic solution to this issue which includes sufficient safeguards to validate the view of the arborist. To be a permitted activity, Council must be advised at least 10 working days prior to the work commencing. This could enable the opportunity for a conversation between Council and the applicant on whether the permitted activity status can be met.

5.6.3.3 Summary of recommendations

1414. **HS3-Rec354:** That TREE-R3 is confirmed as notified.

1415. **HS3-Rec355:** That submissions on TREE-R3 are accepted/rejected as set out in Appendix B.

5.6.4 TREE-R4: All other land use activities

5.6.4.1 Matters raised by submitters

1416. Royal Forest and Bird Protection Society [345.165] and Waka Kotahi [370.184] seek that TREE-R4 is retained as notified.

5.6.4.2 Assessment

1417. No further assessment required.

5.6.4.3 Summary of recommendations

1418. **HS3-Rec356:** That TREE-R4 is confirmed as notified.

1419. **HS3-Rec357:** That submissions on TREE-R4 are accepted/rejected as set out in Appendix B.

5.6.5 TREE-R5: The storage or discharge of any toxic substance within the root protection area of notable trees

5.6.5.1 Matters raised by submitters

1420. Royal Forest and Bird Protection Society [345.166] seeks that TREE-R5 is retained as notified.

5.6.5.2 Assessment

1421. No further assessment required.

5.6.5.3 Summary of recommendations

1422. **HS3-Rec358:** That TREE-R5 is confirmed as notified.

1423. **HS3-Rec359:** That submissions on TREE-R5 are accepted/rejected as set out in Appendix B.

5.7 Notable Trees – Standards

5.7.1 TREE-S1: Certification by works arborist

5.7.1.1 Matters raised by submitters

1424. Royal Forest and Bird Protection Society [345.167], Waka Kotahi [370.185] and Argosy Property No.1 Limited [383.67] seek that TREE-S1 is retained as notified.

5.7.1.2 Assessment

1425. No further assessment required.

5.7.1.3 Summary of recommendations

1426. **HS3-Rec360:** That TREE-S1 is confirmed as notified.

1427. **HS3-Rec361:** That submissions on TREE-S1 are accepted/rejected as set out in Appendix B.

5.7.2 TREE-S2: Emergency trimming or pruning work

5.7.2.1 Matters raised by submitters

1428. Royal Forest and Bird Protection Society [345.168] and Waka Kotahi [370.186] seek that TREE-S2 is retained as notified.

1429. Argosy Property No.1 Limited [383.68] seeks an amendment to TREE-S2 to include ‘...or as soon as practicable after the works have occurred.’

5.7.2.2 Assessment

1430. In response to the submission point from Argosy Property No.1 Limited [383.68] I do not recommend any changes and consider that the current standard, which requires advising the Council of the works at least 1 hour prior to the work commencing. I have sought the advice of Mr William Melville, Council’s Park Services Manager, on this matter and he has advised that Council arborists are available or on call for situations like this and are able to meet the timeframe specified in the standard. Consequently, I consider it appropriate to retain the wording of the standard as notified.

5.7.2.3 Summary of recommendations

1431. **HS3-Rec362:** That TREE-S2 is confirmed as notified.

1432. **HS3-Rec363:** That submissions on TREE-S2 are accepted/rejected as set out in Appendix B.

5.7.3 TREE-S3: Certification that a scheduled notable tree is dead or in terminal decline

5.7.3.1 Matters raised by submitters

1433. Royal Forest and Bird Protection Society [345.169] and Waka Kotahi [370.187] seek that TREE-S3 is retained as notified.

5.7.3.2 Assessment

1434. No further assessment required.

5.7.3.3 Summary of recommendations

1435. **HS3-Rec364:** That TREE-S3 is confirmed as notified.

1436. **HS3-Rec365:** That submissions on TREE-S3 are accepted/rejected as set out in Appendix B.

5.7.4 TREE-S4: Works in the root protection area

5.7.4.1 Matters raised by submitters

1437. Royal Forest and Bird Protection Society [345.170] and Waka Kotahi [370.188] seek that TREE-S4 is retained as notified.

1438. Argosy Property No.1 Limited [383.69] seeks that TREE-S4 be amended for clarity. Amendments sought are as follows:

2. Excavation must be undertaken by one or a combination of the following methods: a) hand-digging, air excavation spade, hydro excavation vac; and / or b) directional drilling machine within the root protection area at a depth of 1m or greater; ~~3. The surface area of a single excavation must not exceed 1m²; ... 7. Any excavation machines ...~~

1439. Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.62 and 99.63] seeks that TREE-S4 is deleted and relocated to the provision in Infrastructure – Other Overlays sub-chapter. An amendment is also sought as follows:

2. Excavation must be undertaken by drilling machine at a depth of 1m or greater, hand-digging, air spade, or hydro vac or drilling machine, within the root protection area ~~at a depth of 1m or greater;~~

1440. Jeremy Partridge [102.3] seeks an amendment to TREE-S4.2 to remove the ability to use a hydrovac tool to remove soil around a notable tree's roots.

5.7.4.2 Assessment

1441. In response to Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.62] - In light of my identification that TREE-R2.1 (which the standard was required to be complied with) I disagree with the submitters that TREE-S4 is either included in the infrastructure – other overlay chapter for compliance for infrastructure works within the root protection area or cross references back to the Notable

Trees chapter. I do consider that it should remain in the Notable Trees chapter given that the methods required should also be followed for more general works within the root protection area.

1442. Based on the advice of Mr William Melville, Council's Park Services Manager, I accept an amalgam of amendments sought by Argosy Property No.1 Limited [383.69]: Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.63] as these amendments help remove trademarks, reflect practice and the techniques used to work around trees. This includes that hydro excavation techniques are acceptable.

1443. However, I do not consider that the surface area limit should be removed as this helps enable a reasonable amount of modification while setting a threshold for additional works to be considered and managed through the resource consent process.

5.7.4.3 Summary of recommendations

1444. **HS3-Rec366:** TREE-S4 is amended as detailed below and in Appendix A.

1445. **HS3-Rec367:** That TREE-S4 is either duplicated in the 'Infrastructure - other overlays' chapter or cross referenced for compliance in INF-OL-R61 and INF-OL-R62.

Works in the root protection area

1. All works must be undertaken under the direction of a [technician arborist](#);
2. Excavation must be undertaken [by one or a combination of the following methods:](#)
 - a. [directional drilling at a depth of 1m or greater; or](#)
 - b. [hand-digging, air excavation spade, or hydro excavation-vac or drilling machine, within the root protection area at a depth of 1m or greater;](#)
3. The surface area of a single excavation must not exceed 1m²;
4. Works involving root pruning must not be on roots greater than 35mm in diameter at severance;
5. Works must not disturb more than 10 per cent of the [root protection area](#);
6. Any machines used must operate on top of paved surfaces and/or ground protection measures;
7. Any [excavation](#) machines used must be fitted with a straight blade bucket; ~~and~~
8. [Measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil must be included if the tree is a Kauri; and](#)
9. [Council](#) is advised at least 10 working days prior to the work commencing.

1446. **HS3-Rec368:** That submissions on TREE-S4 are accepted/rejected as set out in Appendix B.

5.8 Notable Trees – Schedule 6

5.8.1.1 General submissions on Notable Trees

1447. Josephine Brien/Tim Bollinger [365.7] considers that one of the tall houses at the top of Abel Smith Street includes a recently listed 'Notable Tree', a copper birch in its back garden, which once again backs onto the Community Centre and Aro park area.

1448. Jonathan Anderson [397.1] seeks that the STEM criteria for evaluating Notable Trees is used to add indigenous trees to SCHED 6. It is noted that this may be possible through conscious use of the existing STEM criteria or through the Council adding an additional criterion to give greater weighting to certain species of indigenous tree.

5.8.2 Format of SCHED6

1449. Wellington City Council [266.202] seeks to amend SCHED6 to re-order alphabetically by street name.

1450. Craig Palmer [492.51] seeks that items in SCHED6 are aggregated into defined areas of the city and that the letter code values are set out on each page.

5.8.3 Retain scheduled trees

1451. Living Streets Aotearoa [482.66] seeks that SCHED6 is retained as notified.

5.8.4 Remove listings from SCHED6

1452. David Fisher [125.1 and 125.2] opposes Notable Tree Listing 21 at 127 Grafton Road and seeks that it is removed. He notes that the Pinus radiata trees adjacent to this area pose a risk to pedestrians and reduces light to nearby properties, the tree is also no longer fit for listing due to its position on the road reserve bank, proximity to nearby houses and consequent ongoing management required.

1453. Royal Forest and Bird Protection Society [345.410] opposes the inclusion of monkey apple Syzygium smithii in SCHED 6 and seeks that lilly pilly/monkey apple reference 112 and 306 are deleted from SCHED6. They note that this species is listed on MPI's Pest Plant Accord and is a listed Harmful Organism (called Acmena smithii) on Greater Wellington's Regional Pest Management Plan, a statutory document under the Biosecurity Act 1993. The submitter raises that this is a serious weed and vector of myrtle rust and is within the definition of pest in the PDP.

1454. Greater Wellington Regional Council [351.342, 351.343 and 351.344] seeks that reference 112, 261 and 360 are removed from SCHED 6. They consider Notable Tree classification for these trees is inappropriate as these species are listed as Harmful Organisms in the Greater Wellington Regional Pest Management Plan 2019-2039. Legally protecting these trees permits ongoing seed source and hinders Greater Wellington's efforts to improve the biodiversity of the region.

1455. Argosy Property No.1 Limited [383.132] seeks a review of the values applying to trees 242, 243 and 244, and remove the tree(s) from the schedule if the re-evaluation does not pass the test for scheduling.

5.8.5 Add listing to SCHED6

1456. Richard Herbet [360.11] seeks to add new items to SCHED 6 from the Tawa suburb as follows:

- a) A selection of significant Tawa trees located in Tawa – as representatives of the tree that gave the suburb its name.

- b) A selection of Kauri trees in Wellington – as representatives of a significant NZ tree that may well become species survival plantations; including those at Willowbank Reserve, at 2 The Drive, Tawa, and at 269 Main Road, Tawa.
- c) Other examples of substantive trees in Tawa which might be recommended by the Friends of Tawa Bush Reserves Inc.

1457. Jonathan Anderson [397.2] also seeks trees a number of trees identified in his submission be added to SCHED6.

1458. Catharine Underwood [481.40] seeks that the pohutakawa tree on the corner of Michaels Crescent and Upland Road be added to SCHED6.

5.8.5.1 Assessment

1459. The submission from Josephine Brien/Tim Bollinger [365.7] is noted. There is no specific decision requested.

1460. In response to the submission from Jonathan Anderson [397.1] I note that the STEM assessment method is being used for indigenous trees. I have considered whether a different STEM threshold is appropriate for indigenous trees but have concluded that the threshold of 110 as notified is appropriate. I note that there is no common threshold used in district plans, nor in the wider Wellington region, and that they commonly vary anywhere between 200 and 90. Mr William Melville, Council's Park Services Manager, has advised that given Wellington City's climatic and soil conditions, achieving high STEM scores is more difficult than in other parts of the country. Given that the threshold used in the notified PDP is on the lower end of the spectrum and can allow for more modest examples to be added, I consider that no change is necessary.

1461. Regarding the submissions from Wellington City Council [266.202] and Craig Palmer [492.51], I consider that it would be beneficial to be re-order SCHED6 alphabetically by street name, rather than grouping by area of the city, as this will improve clarity and help users to more intuitively navigate the schedule. In addition, I note that the trees are available to be viewed spatially on the eplan and can be requested if needed.

1462. In response to the submission from David Fisher [125.1 and 125.2] on the opposition of listing Tree 21, I have sought the advice of Mr William Melville, Council's Park Services Manager, on this matter. Mr Melville is of the view that the tree should be removed on the basis that the other radiata which had formed a group listing in the ODP have been removed and this remaining tree no longer is significant. I agree with Mr Melville's advice.

1463. I have also sought Mr Melville's advice in response to the submission from Royal Forest and Bird Protection Society [345.410] and Greater Wellington Regional Council [351.342, 351.343 and 351.344] regarding removing harmful or pest species. As these are in urban environments where the risk of spreading is low, Mr Melville has not recommended these be removed. I agree with his advice.

1464. Regarding the submission from Richard Herbet [360.11] requesting additional trees be listed in Tawa – I have checked the nominations at Willowbank reserve and 269 Main road with Mr Melville and he confirms that they would not meet the criteria for inclusion in the PDP. The tree at approximately number 2 Saint Hildas glade was unable to be located and assessed for this s42A report but can be held on file to inform a future notable tree plan change. The tree at number 2 The Drive is on private land and the owner has not had the opportunity to make a submission on its inclusion. Accordingly, I do not recommend it be added, but held on file to inform a future notable tree plan change.
1465. Regarding the submission from Argosy Property No.1 Limited [383.132], each tree has satisfied the test for scheduling, as demonstrated by the associated STEM assessments updated in 2019. Mr Melville, Council’s Park Services Manager, has also advised that there has been a long history of discussion between Council and the landowner regarding these trees, but notwithstanding this, they still meet the threshold for listing.
1466. In response to the request for additional trees from Jonathan Anderson and [397.2] and Catharine Underwood [481.40], while I commend the work to identify trees which are notable across the city, I have procedural concerns recommending that trees on private land be added to the schedule without those owners having the opportunity to make a submission or speak to the hearings panel regarding this. My preference is that Mr Andersons’ list and Ms Underwood’s nominations are held on file to inform a future notable tree plan change.

5.8.5.2 Summary of recommendations

1467. **HS3-Rec369:** Regarding the submission from Wellington City Council [266.202], it is recommended that SCHED6 is amended to be re-ordered alphabetically. This will help users navigate the schedule.
1468. **HS3-Rec370:** That notable tree #21 at 127 Grafton Road be removed from Schedule 6.
1469. **HS3-Rec371:** That general notable trees submissions are accepted/rejected as set out in Appendix B.

5.9 Sites and Areas of Significance to Māori (SASM)

5.10 Submissions “For” And “Against” In Whole

5.10.1.1 Matters raised by submitters

Further submissions in support (“for”) of submissions in whole

1470. Generation Zero [FS54.52] supports in whole the submission of Te Rūnanga o Toa Rangatira [488].

1471. Wellington’s Character Charitable Trust [FS82.3] and Friends of the Wellington Town Belt [FS109.29] supports in whole the submission of VUWSA [123].

1472. Onslow Historical Society [FS6.1] and Lower Kelburn Neighbourhood Group [FS123.1] supports in whole the submission of Historic Places Wellington [182].

1473. Paul Blaschke [FS129.15] supports in whole the submission of Tapu-te-Ranga Trust [297].

1474. Jaqui Tutt [FS35.5], Aro Valley Community Council [FS135.5] and Alan Fairless [FS135.5] supports in whole the submission of Roland Sapsford [305].

Further submissions in opposition (“against”) of submissions in whole

1475. Generation Zero [FS54.55, FS54.56, FS54.61, FS54.63] opposes in whole the submission of Heritage NZ [70], Historic Places Wellington [182], Roland Sapsford [305], Wellington Heritage Professionals [412].

1476. Enterprise Miramar Peninsula Inc [FS26.1] and Andy Foster [FS86.1] opposes in whole the submission of Taranaki Whānui ki te Upoko o te Ika [389].

5.10.1.2 Assessment

1477. I note these submissions in support or opposition to others

5.10.1.3 Summary of recommendations

1478. **HS3-Rec372:** That no changes are made in response to submissions in support or opposition of others.

1479. **HS3-Rec373:** That general submissions on SASMs are accepted/rejected as set out in Appendix B.

5.11 SASM – General Points

5.11.1.1 Matters raised by submitters

Retain as notified

1480. Historic Places Wellington [182.18] supports the inclusion of existing and additional sites and areas of significance to Māori chapter and the subsequent schedule 7. Wellington City Youth Council [201.28], Tyers Stream Group [221.30], and Roland Sapsford [305.28] reiterated their support for this.

1481. Victoria University of Wellington Students’ Association [123.38] supports the chapter in general.

1482. Tapu-te-Ranga trust [297.16] supports the retention of the inclusion of Category C in the introduction to the Sites and Areas of Significance to Māori chapter as notified.

Management of awa (streams) and ara (paths)

1483. Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.64], Kimberley Vermaey [348.9], Southern Cross Healthcare Limited [380.39, 380.40] seeks that the infrastructure - Other Overlays rules relating to sites and areas of significance to Māori are clarified, to explain the role of awa (streams) and ara (pathways) within the chapter.

1484. Similarly Investore Property Limited [405.144 & 405.145] supports Schedule 7 and seek clarification of whether the mapping of Korokoro - Takapū Ara affects the entire site.

1485. Richard Murcott [322.15] considers that the mapping of the Tiakiwai Stream within the PDP is inadequately recorded and should be amended to reflect material provided by the submitter (opposed by Te Rūnanga o Toa Rangatira [FS138.21]).

1486. Richard Murcott [322.16] considers that in addition to the clarified mapping of the Tiakiwai stream, that the chapter should be amended to reflect any seismic or other vulnerabilities building on stream beds (opposed by Te Rūnanga o Toa Rangatira [FS138.22]).

Modification of the Medium Density Residential Standards

1487. Greater Wellington Regional Council [351.142 and 351.143] and Te Rūnanga o Toa Rangatira [488.44] seeks amendments to exempt medium density residential standards to properties adjacent to sites and areas of significance to Māori, to ensure the values of the sites are preserved (supported by Greater Wellington Regional Council [FS84.11]).

Mana whenua status

1488. Taranaki Whānui ki te Upoko o te Ika [389.67 and 389.68] seeks that the chapter recognises their iwi as having ahi kā and the role of the primary mana whenua within Wellington (opposed by Te Rūnanga o Toa Rangatira [FS138.53 and FS138.54]).

Te Motu Kairangi

1489. Taranaki Whānui ki te Upoko o te Ika seeks that:

- a) that the objectives, policies, rules and standards in the chapter are amended to ensure mana whenua can exercise tino rangatiratanga over Te Motu Kairangi [389.69, 389.70, 389.71, 389.72 (opposed by Laurence Harger & Ingrid Kölle [FS2.8 and FS2.20], Mary Varnham and Paul O'Regan [FS40.8 & FS40.20], Buy Back the Bay [FS79.7, FS79.24, FS79.42 & FS79.43], and Lance Lones [FS81.8 & FS81.9]); and
- b) That papakāinga on sites and areas of significance is a permitted activity.

1490. There is an error in the summary of submissions that implies that the submitter has sought removal of the identification of the Sites and Areas of Significance over Te Motu Kairangi. Upon rereading the submission, I have concluded that it is amendments to the provisions that is sought.

Airport matters

1491. WIAL [406.217] seeks to retain the chapter's introduction as notified, subject to amendments made throughout their submission (opposed by Guardians of the Bay [FS44.143]).
1492. WIAL [406.218] considers that Moa Point site is located within a core operational area of the airport and that the infrastructure provisions do not apply within the Airport Zone, and there is no clear consenting pathway within the SASM chapter for a piece of regionally significant infrastructure. This is opposed by further submitter Guardians of the Bay [FS.44.144].
1493. WIAL [406.219] seeks that the chapter is amended to accommodate activities within the Airport Zone, due to the regional significance of the Airport and the existing modified state of the sites of significance (opposed by Guardians of the Bay Inc [FS44.145] and Te Rūnanaga o Toa Rangatira [FS138.87]).
1494. WIAL [406.220 & 406.221] seeks that Maupuia Pā and Moa Point be removed as sites and areas of significance to Māori in the Airport Zone (opposed by Guardians of the Bay Inc [FS44.146 & FS44.147], Te Rūnanga o Toa Rangatira [FS138.88 & FS138.89]).

Reference to Heritage New Zealand Pouhere Taonga Act 2014

1495. Wellington Heritage Professionals [412.56] seeks amendment to the introduction with respect to the reference to the archaeological provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

5.11.1.2 Assessment

1496. I note the submission points of Historic Places Wellington [182.18], Wellington City Youth Council [201.28], Tyers Stream Group [221.30], and Roland Sapsford [305.28] supporting the inclusion of existing and additional sites and areas of significance to Māori.
1497. I note and acknowledge the submission point of Victoria University of Wellington Students' Association [123.38] supports the chapter in general.

Management of awa (streams) and ara (paths)

1498. With respect to Chorus New Zealand Limited (Chorus), Spark New Zealand Trading Limited (Spark) and Vodafone New Zealand Limited (Vodafone) [99.64], Kimberley Vermaey [348.9], Southern Cross Healthcare Limited [380.39 & 380.40] seeking clarity regarding the role of awa (streams) and ara (pathways) as sites and areas of significance to Māori.
1499. I note that the approach taken for identifying the location of the awa differs between iwi as was their preference.
1500. Taranaki Whānui expressed desired that Awa of significance to them be mapped at their locations in 1840. To inform this, Morrie Love of Taranaki Whānui provided a report called "Cultural Values for the Lambton Harbour Catchment", which included a map presenting the location of the streams which entered the Lambton Harbour at that time. The location and

extent of these awa was based on a dataset from the Greater Wellington Regional Council (2008) to that effect.

1501. I recognise that no dataset can be entirely accurate, especially when attempting to locate natural features from over 160 years ago. Accordingly, I am open to amending the location of these features should more detailed information be available and mana whenua are agreeable.

1502. By contrast, for the awa identified for Te Rūnanga o Toa Rangatira these follow the current stream path (including where they are piped).

1503. Regarding the location of ara, these have been rolled over from the ODP with the review of iwi representatives.

1504. Submissions have identified that the current mapping does not provide a physical width of either awa or ara, and that clarity is needed to understand whether the provisions of the chapter are triggered when works occur on a site which awa or ara pass through, or only if works are undertaken within the mapped extent of the feature.

1505. The intent of the provisions is to provide opportunities for the values of sites and areas of significance and the relationships between them with Māori to be recognised. The provisions of the chapter are only intended to apply within the mapped extent of a site or area of significance. Zone based chapters provide policy direction to recognise and respond to sites and areas of significance where the rules of this chapter do not apply. With respect to infrastructure however the rules of the 'Infrastructure – Other Overlays' chapter would apply instead of those in the SASM chapter. This relationship is specified in the 'Infrastructure – Other Overlays' chapter

1506. I do agree that at present the awa and ara have no width associated with them and are lines on the map instead. Given that these features (awa especially) would have occupied an area of land (stream beds and banks etc), if the Panel considered there is scope I would suggest that there is merit in applying a width to the mapped lines. While ultimately nominal, I suggest that a five meter width be applied to awa and ara may be more representative than the notified proposal and more genuinely enable mana whenua to exercise kaitiakitanga. I have not had the opportunity to raise this with mana whenua before publication of this report but welcome comment through submitter evidence

1507. The table below identifies the number of properties that would be impacted by this increased buffer area compared to the notified proposal (bracketed).

Zone	Number of Properties in Ara	Number of Properties in Awa	Total
General Rural Zone	49 (48)	0 (0)	49 (48)
City Centre Zone	0 (0)	141 (111)	141 (110)

High Density Residential Zone	0 (0)	215 (179)	215 (179)
Local Centre Zone	0 (0)	52 (48)	52 (48)
Medium Density Residential Zone	65 (51)	387 (302)	452 (353)
Mixed Use Zone	1 (1)	4 (2)	5 (3)
Natural Open Space Zone	6 (5)	2 (2)	8 (7)
Neighbourhood Centre Zone	0 (0)	26 (22)	26 (22)
Open Space Zone	1 (1)	13 (12)	14 (13)
Special Purpose Future Urban Zone	7 (7)	0 (0)	7 (7)
Special Purpose Hospital Zone	0 (0)	7 (7)	7 (7)
Special Purpose Quarry Zone	0 (0)	1 (1)	1 (1)
Special Purpose Tertiary Education Zone	0 (0)	5 (8)	5 (4)
Special Purpose Wellington Town Belt Zone	2 (2)	9 (8)	11 (10)
Sport and Active Recreation Zone	0 (0)	2 (2)	2 (2)
Total	131 (115)	864 (699)	995 (814)

1508. If the Panel were of the view that widening the extent of ara and awa were not appropriate, I would be comfortable that the notified proposal still enables much greater recognition of the presence of these sites than the ODP.

1509. A potential further option I would be open to would be excluding the Medium and High Density Residential zones from the application of the rules (having the effect that they are for information only). I suggest this because in my view, and as shown in Figures 11 and 12, the greatest opportunity to increase representation of awa is in the city centre zone through urban design and interpretation works. Comparatively, homeowners are unlikely to be able to respond in a meaningful way.

1510. I note that sites and areas of significance vary greatly in the level of modification they have experienced over time. Some are located in rural or open spaces (with a moderate level of modification) while others are located in the city centre or established residential areas and have buildings on or around them. Given this, it is anticipated that different development responses will be applied to these contexts. It will also inform the nature of any mitigation response sought by iwi.

1511. For example, there are opportunities to honour the narrative of the awa, noting that there are existing examples where the narrative of an awa has been honoured through an artistic approach that enables users of the space to learn the value of the space.

1512. A recent example is the mural Waimapihi stream on Garrett Street, which draws on local history of the iwi, the story of Māpihi, and the iwi's relationship with the space (Figure 11).



Figure 11 Mural Waimapihi stream on Garrett Street

1513. Another example is the mural and sculpture at Vivian Street. With the opening of a petrol station, the opportunity presented by the resource consent process enabled the painting of a representation of the pathway of the Waimapihi stream and a sculpture, thereby visually reaffirming the significance and values of the site to Māori (Figure 12).



Figure 12: Mural and sculpture on Vivian street

1514. I note that significant urban development/regeneration will present different opportunities for increasing the representation and visibility of sites. For example, opportunities for daylighting of streams might be an option considered.
1515. In response to submissions I consider that it would be advisable to amend the policies and rules to use the terminology ‘within the mapped extent’ of a site or area of significance. This would not only increase clarity regarding when and where the provisions of the chapter apply but would also be consistent with the approach applied to scheduled archaeological sites.
1516. Mr Murcott [322.15 & 322.16] has provided detailed information on the mapping of the Tiakiwai Stream. Within the further submissions period, Te Rūnanga o Toa Rangatira opposed Richard Murcott’s submission point [322.30] stating that this site is adequately recorded in the PDP [FS138.23].
1517. The location of each site and area of significance has been determined with the guidance and direction of mana whenua. I have asked Te Rūnanga o Toa Rangatira and Taranaki Whānui for permission to make available the background identification reports held by Council for the sites identified in the PDP, but have not had a response. This may be a matter that the Panel seek clarification on if considered necessary to respond to submissions, noting the requests of WIAL to remove sites.

1518. After considering Mr Murcott’s submission and the base data used by the Council, I consider that Mr Murcott’s detailed information with respect to what is a reasonably small change to the path identified on the map can be supported, but invite Taranaki Whānui and Ngāti Toa Rangatira to comment on whether they think it is appropriate to accept this recommendation.

Modification of the Medium Density Residential Standards

1519. I can see value in the submission points of Greater Wellington Regional Council [351.142 and 351.143] and Te Rūnanga o Toa Rangatira [488.44] to exempt Medium Density Residential Standards on properties adjacent to sites and areas of significance. I understand that the approach in the Porirua City Proposed District Plan is that amendments to the MDRS yard setbacks, height and HIRB are proposed for adjacent sites.

1520. However, I note that neither of the submitters have provided suggested wording for consideration, nor an indication of the relevant medium density residential standards which should be modified and whether they should also apply to multi-unit developments.

1521. The modification of MDRS standards would need to be guided by policy direction which could be located in the SASM chapter, with modifications to MDRS standards located in the Medium and High Density Residential Zone chapters.

1522. In the absence of compelling reasons and a supporting section 32AA evaluation I am currently unable to support these submission points. However, I would invite the submitters to provide this material for consideration by way of supplementary planning evidence. My initial thoughts are that given that many SASMs in residential areas are located on sites with established buildings and structures that any modification of the MDRS (and any reduced multi-unit standards) apply to sites adjoining Takiwā and Category C sites. This would mean that cultural landscapes addressed by Takiwā and “active” sites such as Tapu-te-Ranga Marae, which is bordered by the Medium Density Residential Zone. Any eventual provisions would need to be in the relevant zone chapters.

Mana whenua status

1523. I do not agree with the amendments requested by Taranaki Whānui [389.67 & 389.68] as it would be inappropriate for the PDP to specify a level of mana whenua status different to that identified through Treaty of Waitangi settlement legislation. In this case Taranaki Whānui ki te Upoko o te Ika and Te Rūnanga o Toa Rangatira both have mana whenua status. This matter was traversed in Hearing Stream 1.

Airport matters

1524. WIAL [406.217] has lodged a comprehensive submission which seeks, in relation to the SASM chapter, clarification as to how the provisions relate to two sites noted by the submitter. They also seek that the provisions be amended in light of the airport being regionally significant infrastructure, or that the sites are deleted in their entirety.

1525. The introduction of the Sites and Areas of Significance to Māori chapter notes that regardless of whether the taonga has been modified by development and have buildings and structures located on them, that all of the scheduled sites are of equal importance. The intent of the chapter is to involve iwi within the management of their taonga and its surroundings.
1526. I note that with respect to the Airport, the provisions of the ‘Infrastructure – Other Overlays’ chapter will apply to works that fall within the scope of the rules of that chapter, and not the Sites and Areas of Significance to Māori chapter. This may go some way to alleviating the submitters concerns.
1527. Regardless I do not support removing the Maupuia Pā and Moa Point sites in their entirety given they have been determined as sites and areas of significance to Māori by mana whenua and no new evidence has been presented to the contrary or section 32AA report. A report by Mr Morrie Love identifying the location of Sites and Areas of Significance is intended to made available (subject to the agreement of iwi) which locates these sites in question. I accept Mr Love’s advice.
1528. Accordingly, I do not consider that changes are needed to respond to the submission and note that the submitter will have the further opportunity to speak to their relevant submission points in Stream 9 when the Infrastructure – Other Overlays chapter is considered.

Reference to Heritage New Zealand Pouhere Taonga Act 2014

1529. I have accepted Wellington Heritage Professionals’ submission point [412.56] to reference the Heritage New Zealand Pouhere Taonga Act 2014 in HS3-Rec18.

Te Motu Kairangi

1530. With respect to Taranaki Whānui ki te Upoko o te Ika [389.69] who seeks that the objectives, policies, rules and standards in the chapter are amended to ensure mana whenua can exercise tino rangatiratanga over Te Motu Kairangi – I am conscious that no alternative drafting has been provided for me to consider. In absence of this it is difficult for me to establish which provisions are considered by the submitter to be unreasonably restrictive and what changes are needed to the framework of the chapter. I also note that this is a significant shift from the present acknowledgement of the objective of enabling mana whenua to exercise kaitiakitanga in relation to sites and areas of significance.
1531. Provision of this alternative wording would be helpful and is perhaps related to a discussion had in Stream 1 with respect to a papakāinga chapter and my recommendation that this work take place by way of a plan change. One way of addressing the request to ensure mana whenua can exercise tino rangatiratanga could be to broaden the scope of that future change to evaluate options for addressing tino rangatiratanga at a district wide level.

5.11.1.3 Summary of recommendations

1532. **HS3-Rec374:** That the policies and rules can be amended to use the terminology ‘within the extent’ of a site or area of significance.

1533. **HS3-Rec375:** That the Panel consider applying a five meter nominal width to ara and awa lines for the application of the chapter provisions if considered within scope.

1534. **HS3-Rec376:** That Mr Murcott’s amendments to change the mapped extent of part of the Tiakiwai stream be accepted provided that this is endorsed by mana whenua.

1535. **HS3-Rec377:** That submissions are accepted/rejected as set out in Appendix B.

5.12 SASM – Definitions

5.12.1.1 Matters raised by submitters

1536. Tapu-te-Ranga Trust [297.9] seek to retain the definition of “SITE OR AREA OF SIGNIFICANCE TO MĀORI” as notified.

5.12.1.2 Assessment

1537. No further assessment required.

5.12.1.3 Summary of recommendations

1538. **HS3-Rec378:** That the definition of “site or area of significance to māori” is confirmed as notified.

1539. **HS3-Rec379:** That submissions are accepted/rejected as set out in Appendix B.

5.13 SASM – New provisions

5.13.1.1 Matters raised by submitters

1540. Te Rūnanga o Toa Rangatira [488.45] seeks amendment to add a new policy to the Sites and Areas of Significance to Māori chapter that acknowledges the importance of Accidental Discovery to maintaining and protecting the sites and areas of significance to Māori and iwi (supported by Greater Wellington Regional Council [FS84.112]).

5.13.1.2 Assessment

1541. I acknowledge the intent of the submission point to add a policy into the chapter to address this matter but consider that my recommendation HS3-Rec18 sufficiently addresses the submission point. A policy would not be the most effective or efficient method given that the action required is not addressed by the district plan itself, rather requirements under the HNZPT Act.

5.13.1.3 Summary of recommendations

1542. **HS3-Rec380:** That a new policy regarding identification of archaeological sites is not added.

1543. **HS3-Rec381:** That submissions are accepted/rejected as set out in Appendix B.

5.14 SASM – Objectives

5.14.1 SASM-O1 : Purpose

5.14.1.1 *Matters raised by submitters*

1544. Tapu-te-Ranga Trust [291.17], WCC Environment Reference Group [377.100] seeks that SASM-O1 is retained as notified.

1545. WIAL [406.222] opposes in part to SASM-O1, citing support for the objective, relying on that the relief requested throughout their submission is accepted.

5.14.1.2 *Assessment*

1546. Given my response to WIAL's request in paragraphs 1526, 1527 and 1556 I do not consider that any change is necessary.

5.14.1.3 *Summary of recommendations*

1547. **HS3-Rec382:** That SASM-O1 is confirmed as notified.

1548. **HS3-Rec383:** That submissions on SASM-O1 are accepted/rejected as set out in Appendix B.

5.14.2 SASM-O2 : Protecting sites and areas of significance to Māori

5.14.2.1 *Matters raised by submitters*

1549. Wellington City Council Environmental Reference Group [377.101] seeks that SASM-O2 is retained as notified.

1550. WIAL [406.223] opposes in part to SASM-O2, citing support for the objective, relying on that the relief requested throughout their submission is accepted (opposed by Guardians of the Bays [FS44.148]).

5.14.2.2 *Assessment*

1551. Given my response to WIAL's request in paragraphs 1526, 1527 and 1556 I do not consider that any change is necessary.

5.14.2.3 *Summary of recommendations*

1552. **HS3-Rec384:** That SASM-O2 is confirmed as notified.

1553. **HS3-Rec385:** That submissions on SASM-O2 are accepted/rejected as set out in Appendix B.

5.14.3 SASM-O3 : Kaitiakitanga

5.14.3.1 *Matters raised by submitters*

1554. Wellington City Council Environmental Reference Group [377.102] seeks that SASM-O3 is retained as notified.

1555. WIAL [406.224 & 406.225] opposes in part to SASM-O3 and seeks that Maupuia Pā and Moa Point are excluded in the objective or the objective is clarified to understand how it will be applied (opposed by Guardians of the Bays [FS44.149 & FS44.150] and Te Rūnanga o Toa Rangatira [FS138.90 & FS138.91]).

5.14.3.2 Assessment

1556. In respect to WIAL [406.224 & 406.225], the reference to mana whenua being able to exercise kaitiakitanga is in relation to the provisions of the chapter which included the:

- a) express provision for consultation with mana whenua on land use activities that could affect the values of sites and areas of significance;
- b) enabling provisions to maintain and develop sites and areas of significance in which they own; and
- c) undertaking of cultural rituals and exercising tikanga.

1557. In response I consider that the express provision for consultation should be included in the objective for clarity. Additionally, as the intent of the provisions is to increase the visibility and prominence of sites and areas within the development of the city I consider that this could also benefit further clarification as it is not well communicated at present.

5.14.3.3 Summary of recommendations

1558. **HS3-Rec386:** That SASM-O3 is amended as detailed below and set out in Appendix A.

Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance, including by being active participants on resource consents which have the potential to affect sites and areas of significance, and promoting the narratives of sites within the development of the city.

1559. **HS3-Rec387:** That submissions on SASM-O3 are accepted/rejected as set out in Appendix B.

5.15 SASM – Policies

5.15.1 SASM-P1 : Identifying sites and areas of significance

5.15.1.1 Matters raised by submitters

1560. Wellington City Council Environmental Reference Group [377.103] seeks that SASM-P1 is retained as notified.

1561. WIAL [406.226 & 406.227] opposes SASM-P1 and seeks that Maupuia Pā and Moa Point are excluded in the policy or that the policy is clarified to understand how it will be applied (opposed by Guardians of the Bays Inc [FS44.151 & FS44.152]).

5.15.1.2 Assessment

1562. Given my response to WIAL's request in paragraphs 1526, 1527 and 1556 I do not consider that any change is necessary.

5.15.1.3 Summary of recommendations

1563. **HS3-Rec388:** That SASM-P1 is confirmed as notified.

1564. **HS3-Rec389:** That submissions on SASM-P1 are accepted/rejected as set out in Appendix B.

5.15.2 SASM-P2: Maintenance and repair

5.15.2.1 Matters raised by submitters

1565. Fire and Emergency New Zealand [273.96], Tapu-te-Ranga Trust [297.18], Wellington City Council Environmental Reference Group [377.104] seeks that SASM-P2 is retained as notified.

1566. Te Rūnanga o Toa Rangatira [488.46 & 488.47] supports in part SASM-P2 and seeks amendment to include protection of environmental values that mana whenua have attributed to sites (supported by Greater Wellington Regional Council [FS84.113 & FS84.114] and Wellington City Council Environmental Reference Group [FS112.15]).

1567. WIAL [406.228] opposes SASM-P2 and seeks that Maupuia Pā and Moa Point are excluded in the policy or that the policy is clarified to understand how it will be applied (opposed by Guardians of the Bays Inc [FS44.153 & FS44.154] and Te Rūnanga o Toa Rangatira [FS138.92 & FS139.93]).

5.15.2.2 Assessment

1568. I have considered the submissions of Te Rūnanga o Toa Rangatira [488.46 & 488.47] for expansion of the policy to introduce environmental considerations and from WIAL [406.228] for clarification of application.

1569. My assessment of WIAL's request is the same as that in paragraphs 1526, 1527 and 1556 and I do not consider that any change is necessary.

1570. Although Te Rūnanga o Toa Rangatira has not provided any alternative drafting for consideration I agree with the relief sought and consider that inclusion of a reference to 'environmental' alongside cultural values could address this, given that environmental values may be one reason why a place has cultural value for mana whenua.

1571. I note that this policy mirrors a similar policy in the Porirua Proposed District Plan and has been included at the request of by Te Rūnanga o Toa Rangatira. My understanding is that it is intended to provide policy direction relating to rule SASM-R1, the maintenance and repair of sites and areas of significance. However, as I note that there are no related standards that address the last part of the policy concerning the protection of spiritual and cultural values I would welcome further advice from mana whenua by way of supplementary evidence if standards are needed.

1572. In the context of sites identified in the PDP, and the presence of existing buildings and structures in private ownership for the most part, I would expect the policy (and SASM-R1) to be largely non-consequential in practice as it and the associated rule do not confer a right of access to mana whenua to maintain or repair sites of significance on private property.

1573. Where a site is on land owned by the Council or iwi (such as in a reserve), and subject to any required permission under any other process or legislation and access being granted, the activity would not require resource consent. I am not exactly sure what maintenance and repair would address, but activities such as mowing or trimming of vegetation may be intended.

1574. Given that the rules in a district plan cannot confer access to private property I consider that the policy and related rule should be clarified as solely applying to iwi and council owned land. For consistency I also consider that minor wording amendments to SASM-R1 should also be made.

5.15.2.3 Summary of recommendations

1575. **HS3-Rec390:** That SASM-P2 be amended as detailed below and in Appendix A.

Maintenance and repair

Enable maintenance and repair ~~activities on~~ of sites and areas of significance to Māori on iwi or Council land where the spiritual, ~~and~~ cultural and environmental values of the site or area are protected.

1576. **HS3-Rec391:** That submissions on SASM-P2 are accepted/rejected as set out in Appendix B.

5.15.3 SASM-P3: Ongoing use and development of marae

5.15.3.1 Matters raised by submitters

1577. Tapu-te-Ranga Trust [297.19] and Wellington City Council Environmental Reference Group [377.105] seeks that SASM-P3 is retained as notified.

5.15.3.2 Assessment

1578. No further assessment required.

5.15.3.3 Summary of recommendations

1579. **HS3-Rec392:** That SASM-P3 is retained as notified.

1580. **HS3-Rec393:** That submissions on SASM-P3 are accepted/rejected as set out in Appendix B.

5.15.4 SASM-P4: Construction of buildings and structures within sites and areas of significance

5.15.4.1 Matters raised by submitters

1581. Fire and Emergency New Zealand [273.97], Tapu-te-Ranga Trust [297.20], Wellington City Council Environmental Reference Group [377.106] seeks that SASM-P4 is retained as notified.

1582. WIAL [406.230, 406.231 & 406.232] opposes SASM-P4 and seeks that Maupuia Pā and Moa Point are excluded in the policy or that the policy is clarified to understand how it will be applied, especially towards heavily modified sites and areas (opposed by Guardians of the Bays

Inc [FS44.155, FS44.156 & FS44.157] and Te Rūnanga o Toa Rangatira [FS138.94, FS138.95 & FS138.96]).

5.15.4.2 Assessment

1583. With respect to WIAL [406.230, 406.231 & 406.232], the intention of the policy is to establish a broad framework of matters to be considered in the resource consent process for new buildings within sites and areas of significance. The clauses of the policy jointly establish this scope and provide mana whenua the ability to be part of the process by an express requirement for consultation where they will provide advice. In the same way that the values of heritage buildings differ and have varying development responses to accommodate them, so do sites and areas of significance.

1584. For example, it may be that a site is located on the former foreshore and was a location for pulling waka out of the water. A design response to this may be that the building is designed in a way that recognises this former function through materials, information placards, design or layout – the appropriate design response would be ascertained by the required consultation with iwi.

1585. In the same way that applicants for resource consents meet with Council for pre-application meetings on proposals, the same could be done early in the design stage so that it is understood early what outcomes iwi expect. The commissioning of cultural impact assessments from iwi to whom a site is significant is another mechanism that could be explored as a way for applicants to understand what responses will likely be requested.

5.15.4.3 Summary of recommendations

1586. **HS3-Rec394:** That HH-P4 is retained as notified.

1587. **HS3-Rec395:** That submissions on SASM-P4 are accepted/rejected as set out in Appendix B.

5.15.5 SASM-P5 : Modification of features integral to a Category A or B site or area of significance to Māori and extension of the footprint of existing buildings

5.15.5.1 Matters raised by submitters

1588. Fire and Emergency New Zealand [273.98] and the Wellington City Council Environmental Reference Group [377.107] seeks that SASM-P5 is retained as notified.

1589. WIAL [406.233, 406.234, 406.235 & 406.236] opposes SASM-P5 and seeks that Maupuia Pā and Moa Point are excluded in the policy or that the policy is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (opposed by Guardians of the Bay Inc [FS44.158, FS44.159, FS44.160 & FS44.161] and Te Rūnanga o Toa Rangatira [FS138.97, FS138.98, FS138.99 and FS138.100]).

5.15.5.2 Assessment

1590. I recognise WIAL’s concerns that some sites and areas of significance are located on modified land. This is unsurprising given the level of modification that has taken place over decades in the

city with little regard for the values of such sites to Māori. Given this, it is anticipated that different development responses will be applied to these contexts. I accept the policy relies on engagement with mana whenua to determine what in the case of each SASM is an acceptable development or mitigation response. This is consistent with the approach sought by mana whenua to take a forward looking focus and require consultation to open conversations with iwi.

1591. The intent of this policy is to recognise that some sites have features present that if modified can result in adverse effects on values. These features are identified in SCHED7 and modification of these features triggers SASM-R3 and assessment against this policy. Examples of features include middens, karaka groves, terraces and the piped awa.

1592. Not all sites of significance have listed integral features. Where a site does not have features listed, the relevant rule (SASM-R3) and this policy would not apply.

1593. The intent of the part of the policy addressing extensions to footprints of existing buildings is to acknowledge that a number of sites (given the location of many sites in developed areas) are already fully or partly covered by buildings, but that there may be opportunities to recognise the values of sites of significance and any possible impacts should proposals seek to build over them more. Responses could include development taking place on less sensitive parts of a site.

1594. I note however, that were earthworks be proposed to be undertaken within the extent of all sites and areas of significance, resource consent is required under the EW-Earthworks chapter with discretion limited to SASM-P5 and the extent of consultation with mana whenua.

5.15.5.3 Summary of recommendations

1595. **HS3-Rec396:** That SASM-P5 is retained as notified.

1596. **HS3-Rec397:** That submissions on SASM-P5 are accepted/rejected as set out in Appendix B.

5.15.6 SASM-P6 : Destruction of sites and areas of significance

5.15.6.1 Matters raised by submitters

1597. Wellington City Council Environmental Reference Group [377.108] seeks that SASM-P6 is retained as notified.

1598. WIAL [406.237 & 406.238] opposes SASM-P6 and seeks that Maupuia Pā and Moa Point are excluded in the policy or that the policy clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (opposed by Guardians of the Bay [FS44.162 & 44.163] and Te Rūnanga o Toa Rangatira [FS138.101 & FS138.102]).

5.15.6.2 Assessment

1599. The intent of this policy is to reflect consultation with mana whenua that their sites not be destroyed. In developing the policy and related rule, Te Rūnanga o Toa Rangatira made it clear that a non-complying activity status was desired.

1600. I recognise that given the variation in the existing environment in which sites are located that the issue of what constitutes ‘destruction’ may vary depending on the values of the site for iwi and the degree of modification that has occurred over time. For some sites this might comprise modification of land within the site and destruction of any archaeological remains or landforms, while for others it may be demolition of a building or structure.

1601. I have looked at options to clarify what could constitute destruction, but have come to the conclusion that the most effective way to determine what constitutes destruction for a particular site, and how it could be avoided, would be early engagement with iwi where work is proposed within the extent of a site or area of significance and work to through potential mitigation options. This could include, for example, commissioning the preparation of a cultural impact assessment.

1602. Again, I recognise WIAL’s concerns that some sites and areas of significance are located on modified land. This is unsurprising given the level of modification that has taken place over decades in the city with little regard for the values of such sites to Māori. Given this, it is anticipated that different development responses will be applied to these contexts. I accept the policy relies on engagement with mana whenua to determine what in the case of each SASM is an acceptable development of mitigation response. This is consistent with the approach sought by mana whenua to take a forward looking focus and require consultation to open conversations with iwi.

5.15.6.3 Summary of recommendations

1603. **HS3-Rec398:** That SASM-P6 is retained as notified.

1604. **HS3-Rec399:** That submissions on SASM-P6 are accepted/rejected as set out in Appendix B.

5.16 SASM – Rules

5.16.1 SASM – R1 : Maintenance and repair of sites and areas of significance in Category A, Category B and Category C

5.16.1.1 Matters raised by submitters

1605. Fire and Emergency New Zealand [273.99], Tapu-te-Ranga Trust [297.21] and WCC Environmental Reference Group [377.109] seeks that SASM-R1 is retained as notified.

5.16.1.2 Assessment

1606. Consistent my assessment and recommendation on the related policy (SASM-P2) in paragraphs 1572 through 1574 and within the scope provide by that submission, I am of the opinion that this rule needs to be amended to clarify that it solely applies to Iwi and Council owned land.

5.16.1.3 Summary of recommendations

1607. **HS3-Rec400:** That SASM-R1 be amended to apply only to iwi or Council land as detailed in Appendix A.

1608. **HS3-Rec401:** That submissions on SASM-R1 are accepted/rejected as set out in Appendix B.

5.16.2 SASM – R2 : Undertaking cultural rituals, practices, and tikanga Māori in sites and areas of significance in Category A, Category B and Category C

5.16.2.1 Matters raised by submitters

1609. Tapu-te-Ranga Trust [297.22] and WCC Environmental Reference Group [377.110] seeks that SASM-R2 is retained as notified.

1610. WIAL [406.239 & 406.240] opposes SASM-R2 and seeks amendment that Maupuia Pā and Moa Point are excluded in the rule or that the rule is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (opposed by Guardians of the Bay [FS44.164 & FS44.165] and Te Rūnanga o Toa Rangatira [FS138.103 & FS138.104]).

5.16.2.2 Assessment

1611. This rule was requested by Te Rūnanga o Toa Rangatira during development of the chapter as it was considered desirable to have an overt reference to undertaking cultural rituals, practices, and tikanga Māori. I suspect the WIAL request for further clarification arises from a question of access over private property. Again, the rules in the district plan are not intended, nor can they require access over private property. Consistent my recommendation on the SASM-P2 and SASM-R1 in paragraphs 1572 through 1574 I am of the opinion that this rule should be amended to clarify that it solely applies to Iwi and Council owned land.

5.16.2.3 Summary of recommendations

1612. **HS3-Rec402:** That SASM-R2 be amended to apply only to iwi or Council land as detailed in Appendix A.

1613. **HS3-Rec403:** That submissions on SASM-R2 are accepted/rejected as set out in Appendix B.

5.16.3 SASM – R3 : Modification of features integral to a Category A or B site or area of significance to Māori identified in SCHED7

5.16.3.1 Matters raised by submitters

1614. Tapu-te-Ranga Trust [297.23 & 297.24] and WCC Environmental Reference Group [377.111] seeks that the SASM-R3 is retained as notified.

1615. WIAL [406.241, 406.242 & 406.243] opposes SASM-R3 and seeks amendment that Maupuia Pā and Moa Point are excluded in the rule or that the rule is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified

“integral” features (opposed by Guardians of the Bays [FS44.166, FS44.167 & FS44.168] and Te Rūnanga o Toa Rangatira [FS138.105, FS138.106 & FS138.107]).

5.16.3.2 Assessment

1616. With respect to WIALs request that the rule not apply to the Maupuia Pā and Moa Point sites of significance, I confirm that neither of the sites identified of concern by the submitter have listed features to which this rule would apply.

5.16.3.3 Summary of recommendations

1617. **HS3-Rec404:** That SASM-R3 be retained as notified.

1618. **HS3-Rec405:** That submissions on SASM-R3 are accepted/rejected as set out in Appendix B.

5.16.4 SASM – R4 : New buildings or structures within a site or area of significance to Māori in Category A or B

5.16.4.1 Matters raised by submitters

1619. Fire and Emergency New Zealand [273.100] and WCC Environmental Reference Group [377.112] seeks to retain SASM-R4 as notified.

1620. Southern Cross Healthcare Limited [380.41] and Investore Property Limited [405.37 & 405.38] supports SASM-R4 subject to clarification whether this rule applies to lines or the entire site.

1621. WIAL [406.244, 406.245 & 406.246] opposes the SASM-R4 and seeks amendment that Maupuia Pā and Moa Point are excluded in the rule or the rule is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (opposed Guardians of the Bays Inc [FS44.169, FS44.170 & FS44.171], and Te Rūnanga o Toa Rangatira [FS138.108, 138.109 & FS138.110]).

5.16.4.2 Assessment

1622. In response to the submission points of Southern Cross Healthcare Limited [380.41] and Investore Property Limited [405.37 & 405.38] I consider that the recommended amendments outlined in paragraph 1505 to clarify that the rules are only triggered by development within the extent of a site and area of significance addresses the points raised.

1623. I consider that the clarification that I have provided and the associated recommended amendments, address the submission points raised by WIAL [406.244, 406.245 & 406.246].

5.16.4.3 Summary of recommendations

1624. **HS3-Rec406:** That SASM-R4 be amended to clarify the rule applies within the extent of the site, as detailed in Appendix A.

1625. **HS3-Rec407:** That submissions on SASM-R4 are accepted/rejected as set out in Appendix B.

5.16.5 SASM – R5: Additions to the footprint of an existing buildings within sites and areas of significance Māori Category A or B

5.16.5.1 Matters raised by submitters

1626. Fire and Emergency New Zealand [273.101] and WCC Environmental Reference Group [377.113] seeks to retain SASM-R5 as notified.

1627. Southern Cross Healthcare Limited [380.42] and Investore Property Limited [405.39 & 405.40] supports SASM-R5 subject to the amendment sought within their submission.

1628. WIAL [406.247, 406.248 & 406.249] opposes the SASM-R5 and seeks amendment that Maupuia Pā and Moa Point are excluded in the rule or that the rule is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (opposed by Guardians of the Bays Inc [FS44.172, FS44.173 & FS44.174] and Te Rūnanga o Toa Rangatira [FS138.111, FS138.112 & FS138.113]).

5.16.5.2 Assessment

1629. In response to the submission points of Southern Cross Healthcare Limited [380.41] and Investore Property Limited [405.37 & 405.38] I consider that my recommended amendments in paragraph 1505 to clarify that the rules are only triggered by development within the extent of a site and area of significance will address the points raised.

1630. I consider that the clarification that I have provided and the associated recommended amendments, address the submission points raised by WIAL [406.244, 406.245 & 406.246].

5.16.5.3 Summary of recommendations

1631. **HS3-Rec408:** That SASM-R5 be amended to clarify the rule applies within the extent of the site, as detailed in Appendix A.

1632. **HS3-Rec409:** That submissions on SASM-R5 are accepted/rejected as set out in Appendix B.

5.16.6 SASM – R6: Destruction or demolition of a site or area of significance to Māori in Category A and Category B

5.16.6.1 Matters raised by submitters

1633. WCC Environmental Reference Group [377.114] seeks to retain SASM-R6 as notified.

1634. Wellington International Airport [406.250 & 406.251] opposes the SASM-R6 and seeks amendment that Maupuia Pā and Moa Point are excluded in the rule or that the rule is clarified to understand how it will be applied, especially towards heavily modified sites and areas which will not affect any identified “integral” features (Guardians of the Bay Inc [FS44.175 & FS44.176] and Te Rūnanga o Toa Rangatira [FS138.114 & FS138.115]).

5.16.6.2 Assessment

1635. As I have outlined in my assessment of submissions on the related Policy SASM-P6 the intent of this policy is to reflect consultation with mana whenua that their sites must not be destroyed. In developing the policy and related rule, Te Rūnanga o Toa Rangatira made it clear that a non-complying activity status was desired.

1636. I recognise that given the variation in the existing environment in which sites are located that what constitutes destruction may vary depending on the values of the site for iwi. For some sites this may arise from modification of land within the site and destruction of any archaeological remains or landforms, while for others it may be demolition of a building or structure.

1637. I have looked at options to provide clarification on what could constitute destruction, but have come to the conclusion that the most effective way to determine for a particular site what constitutes destruction and how it can be avoided would be engaging with iwi early where work is proposed to occur within the extent of a site or area of significance and work through options. This could include commissioning the preparation of a cultural impact assessment.

1638. Again, I recognise WIAL's concerns that some sites and areas of significance are located on modified land. This is unsurprising given the level of modification that has taken place over decades in the city with little regard for the values of such sites to Māori. Given this, it is anticipated that different development responses will be applied to these contexts. I accept the policy relies on engagement with mana whenua to determine what in the case of each SASM is an acceptable development or mitigation response. This is consistent with the approach sought by mana whenua to take a forward looking focus and require consultation to open conversations with iwi.

5.16.6.3 Summary of recommendations

1639. **HS3-Rec410:** That SASM-R6 is retained as notified.

1640. **HS3-Rec411:** That submissions on SASM-R6 are accepted/rejected as set out in Appendix B.

5.17 SASM – Schedule 7

5.17.1 Schedule 7: Ngā Wāhi Tapu o te Māori / Sites and Areas of Significance to Māori

5.17.1.1 Matters raised by submitters

1641. Historic Places Wellington [182.56], Wellington Heritage Professionals [412.112 & 412.113] and Josephine Brien and Tim Bollinger [365.8] seeks that schedule 7 be retained as notified.

1642. Tyers Stream Group [221.80] seeks to retain item 168 (Waitohi Stream) in Schedule 7 as notified.

1643. Friends of the Bolton St Cemetery Inc [250.4] seeks to retain item 144 (Tutaenui Awa) in Schedule 7 as notified.

1644. Tapu-te-Ranga Trust [297.42 & 297.43] seeks to retain item 76’s listing of CAT C and seeks amendment of expanding the extent of the listing to cover the entirety of their site. The notified extent of the site is identified in Figure 13. the requested extent of the site is identified in Figure 14.



Figure 13:Notified extent of the Tapu te ranga marae site and area of significance.



Figure 14: Requested extent of the Tapu te ranga marae site and area of significance

1645. Barry Insull [32.8] seeks that Item 157 be renamed to reflect its Historic Reserve designation (opposed by Te Rūnanga o Toa Rangatira [FS138.1]).

1646. Heritage NZ [70.75, 70.76 & 70.77] supports Schedule 7 and seeks amendment to include HNZPT List number and/or NZAA site record number within the schedule (supported by Te Rūnanga o Toa Rangatira [FS138.13]).

1647. Southern Cross Healthcare Limited [380.72] seeks amendment to Schedule 7 to match the District Plan Reference 145 with the PDP's mapping.

5.17.1.2 Assessment

1648. With respect to the submission of Tapu-te-Ranga Trust [297.42 & 297.43], I have no in principle concerns with the extent of the site and area of significance over the marae, but consistent with the process followed to date, consider that this should be informed by the view of Taranaki Whānui who have identified the site.

1649. With respect to the submission of Barry Insull to rename Item 157 (Pariwhero) to include the name given in its Historic Reserve designation I note that Schedule 7 lists Pariwhero three times, once as a takiwā, once as Taranaki Whānui’s site and once as Te Rūnanga o Toa Rangatira’s site. During the process of affirming the sites’ location, significance and other details, a request was made by iwi to adopt the use of te reo Māori, rather than in English, place names for sites of significance. This was considered appropriate due to the contribution that the place names make to the narrative associated with these sites, noting that Schedule 7 contains a list of alternative (English) names of the sites along with those provided by Te Rūnanga o Toa Rangatira. In this particular case ‘Red Rocks Scientific Reserve’ is listed as alternative name. In my view this provides a sufficient nod towards its Historic Reserve designation, particularly as the intent of this mapping is to record sites and areas of significance to Māori rather than any other purpose. In addition to this, the mapping notes both spelling of Pari Whero / Pariwhero, as well as stating that this is a scientific reserve.

1650. I am supportive of the submission point of Heritage NZ [70.75, 70.76 & 70.77] to include the HNZPT List number and/or NZAA site record number where relevant in Schedule 7. I would seek that assistance of HNZPT to providing the correct references, given these have not been provided so far.

1651. I accept the submission point of Southern Cross Healthcare Limited [380.72], to amend Schedule 7 to match the PDP reference to item 145 (Waitangi Awa) with the mapping, which is currently in error.

5.17.1.3 Summary of recommendations

1652. **HS3-Rec412:** Amend Schedule 7 to include the HNZPT List number and/or NZAA site record number where relevant.

1653. **HS3-Rec413:** Amend Schedule 7 to alter the reference number of “Waitangi Awa” from 148 to 145. In addition, amend other reference numbers in Schedule 7 to match the listings within the mapping.

1654. **HS3-Rec414:** That Item 157 (Pariwhero) is not renamed in SCHED7.

5.18 SASM – Mapping

5.18.1 Mapping of Sites and Areas of Significance to Māori

5.18.1.1 Matters raised by submitters

1655. Richard Murcott [322.5] seeks amendment to the mapping of the flow bed of the Tiakiwai Stream (opposed by Te Rūnanga o Toa Rangatira [138.20]).

5.18.1.2 Assessment

1656. With regards to Mr Murcott’s submission point, I refer to the assessment of paragraph 1518 to be applied.

5.18.1.3 Summary of recommendations

1657. **HS3-Rec415:** That Mr Murcott’s amendments to change the mapped extent of part of the Tiakiwai stream be accepted provided that this is endorsed by mana whenua.

6.0 Minor and inconsequential amendments

1658. Pursuant to Schedule 1, clause 16 (2) of the RMA, a local authority may make an amendment, without using the process in this schedule, to its PDP to alter any information, where such an alteration is of minor effect, or may correct any minor errors.

1659. The following minor and inconsequential amendments relevant to this report are identified below and proposed to be corrected.

Sched3 Item 7, Kaiwharawhara Bridle Track

1660. No submissions have been made on the extent of the heritage area. It is considered that a minor change is desirable to correct a mapping error in the ODP and PDP extent for this heritage area.

1661. The heritage area in the ODP and PDP extend into residential properties at Marsh Way that are not part of the route of the current walking track. The boundaries of the heritage area should only cover the formed walkway ‘the bridal track’. There are no heritage reasons to include the residential properties adjoining the track within the heritage overlay.

1662. Ms Smith has examined historical imagery and has not found evidence to suggest that the walking track ever extended over land which is now subdivided for housing at Marsh Way (as shown in the operative and PDP). Accordingly, this is a mapping error.

1663. The following mapping amendments are suggested which will remove the overlay from private property (Green and red lines) shown in Figure 15 below.

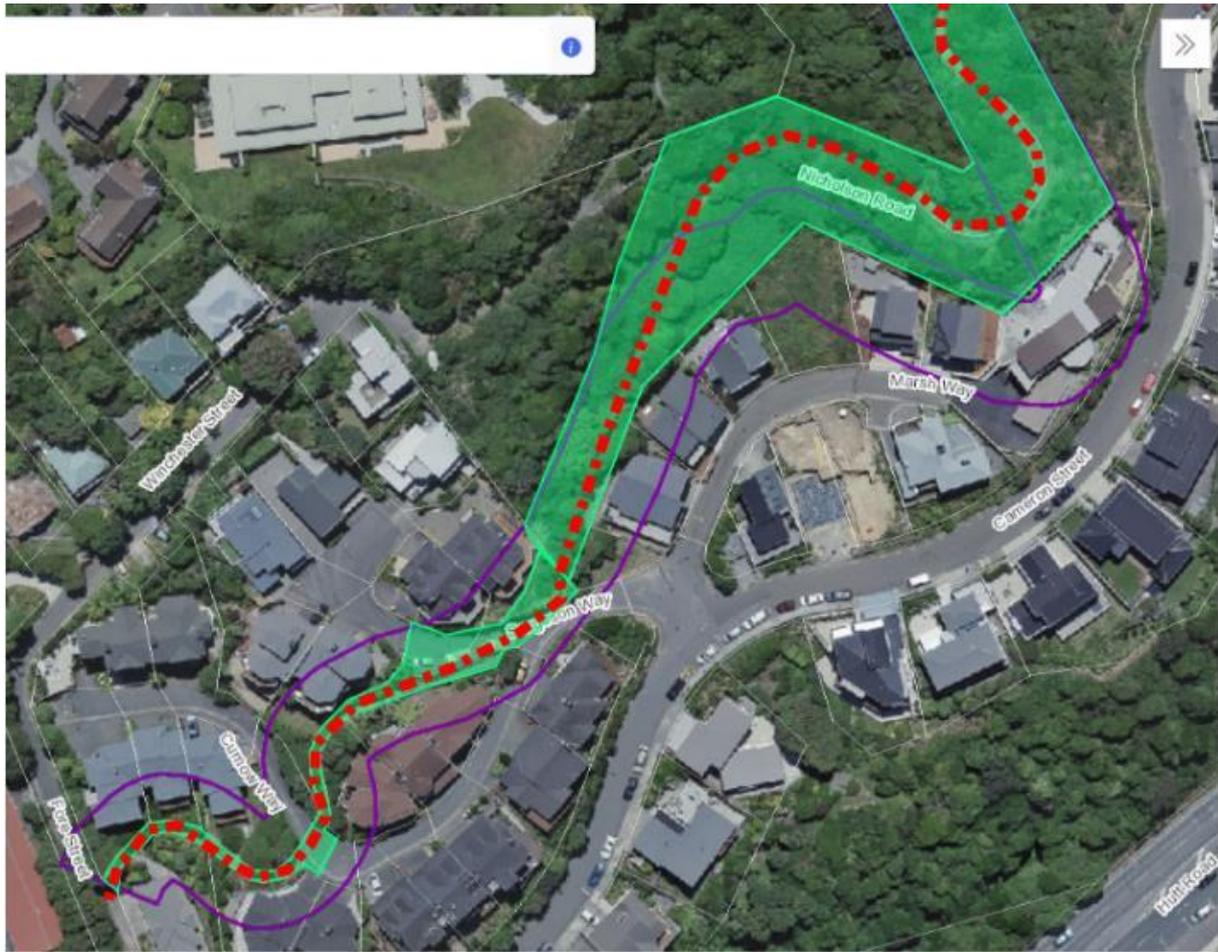


Figure 15: Amendments to the Kaiwharawhara Bridal Track Heritage Area

Numbering of SCHED7

1664. Several numbers of sites on SCHED7 – Sites and Areas of Significance to Māori are incorrectly numbered. I consider it a minor and inconsequential change to correct these to those used on the planning maps. These are tracked in Appendix A.

Incorrect Heritage Area dot

1665. The “Heritage Area – Contributing Building” dot on the map for 111 Hill Street should be removed as it is an exclusion (non-heritage building) in SCHED3 – 46. The allocation of a contributing dot is an error.

7.0 Conclusion

1666. Submissions have been received both in support and opposition of the chapters, schedules and appendices addressed in this report.

1667. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that PDP should be amended as set out in Appendix A of this report.

1668. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:

- a. Achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
- b. Achieve the relevant objectives of the PDP, in respect to the proposed provisions.

7.1 Recommendations

I recommend that:

1669. The PDP is amended in accordance with the changes recommended in Appendix A of this report; and

1670. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in Appendix B of this report.

8.0 Collated recommendations

HS3-Rec1: That no changes are made to provisions because of the Historic Heritage – General submissions.

HS3-Rec2: That the Historic Heritage – General submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec3: That the definitions of ‘restoration’ and ‘reconstruction’ be deleted.

<p>RESTORATION means an alteration to return a place to a known earlier form, by reassembly and reinstatement, and/or by removal of elements that detract from its heritage value.</p>
<p>RECONSTRUCTION means modifications to rebuild a building or structure as closely as possible to a documented earlier form, using new materials.</p>

HS3-Rec4: That the definition of ‘archaeological site’ be confirmed as notified.

HS3-Rec5: That the definition of ‘ongoing use’ be renamed to ‘original use’ and minor grammatical amendments made the text of the definition.

<p>ONGOING ORIGINAL USE</p> <p>Means the use which keeping a building or object in the same use it was originally constructed for.</p>

HS3-Rec6: That the definition of ‘maintenance and repair’ be amended as set out below.

<p>MAINTENANCE AND REPAIR</p>	<p>means</p> <p>c. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric; and</p> <p>d. regular and on-going protective care of a building or structure to prevent deterioration.</p> <p>(For the purposes of the HH-Historic heritage chapter) In addition to the above, maintenance and repair of built heritage must not result in any of the following:</p> <p>g. Changes to the existing surface treatment of fabric, <u>including</u>:</p> <p style="margin-left: 20px;"> i. ↳ Painting of any previously unpainted surface; ii. ↳ Rendering of any previously unrendered surface;</p> <p>h. Changes to the design, texture, or form of the fabric;</p> <p>i. Use of materials other than those the same as the original or most significant fabric, or the closest equivalent;</p> <p>j. The affixing of scaffolding to unless the work is reasonably required for health and safety;</p>
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	<p>k. The damage of fabric from the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting;</p> <p>l. The modification, removal or replacement of windows (all joinery, including frames, sashes, sills, casements, mullions, glazing bars, <u>window panes</u>), except; i. modifications as necessary to replace an existing clear single glazed window pane with a clear double glazed pane.</p> <p>.....</p>
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HS3-Rec7: That a controlled activity status for modifications as necessary to replace an existing clear single glazed windowpane with a clear double or triple glazed pane for both heritage buildings and contributing buildings within heritage areas.

HS3-Rec8: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec9: That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

.....APP1 – Historic Heritage Advice Notes contains useful information on assessing effects on heritage values and the different ways in which historic heritage is addressed by regulation and advocacy. APP1 also contains reference to the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 which protect all archaeological sites.

HS3-Rec10: That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

One of the best ways to protect the recognised heritage values of built heritage is to ensure that it remains in a sustainable ~~long term~~ long-term use.

HS3-Rec11: That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

2. **Heritage buildings and heritage structures** – These are individual buildings and structures that have been assessed as having significant heritage values. The exterior of most heritage buildings and heritage structures are protected in their entirety (including roofs). Some heritage buildings only have specific features protected, such as façades. A smaller number have their interiors or interior features protected.

For the avoidance of doubt:

- d) Works to any heritage building or heritage structure that is also located within a heritage area will be assessed against the provisions for heritage buildings and structures and not the heritage area provisions.
- e) Regardless, any related ~~However,~~ the resource consent assessment will also consider the values of the heritage area, including the relative contribution of building height to those values and the extent of compliance with any height standard.
- f) Works to any heritage building or heritage structure (where only specific features are protected) that is also located in a heritage area (and the work also affects those

~~parts of the building not specifically scheduled) will be assessed against the heritage area provisions; and~~

SCHED1 and SCHED2 identifies heritage buildings and heritage structures.

3. Heritage areas – These are areas that contain a concentration ~~and continuity~~ of buildings and structures with similar heritage values. ~~Heritage areas contain contributing buildings and structures which have not been listed in SCHED1-Heritage buildings or SCHED2-Heritage Structures but have significant heritage value which~~ when considered as a collection ~~have significant heritage value~~. ‘Contributing buildings and structures’ are those which support the heritage values of the area. ~~Scheduled Heritage buildings and heritage structures may be located within heritage areas, as can buildings and structures that do not contribute to the heritage values of the area, and are identified as non-heritage in SCHED3 - Heritage Areas. Demolition rules do not apply to non-heritage buildings and structures.~~

For the avoidance of doubt:

- a. ~~Works to any heritage building or heritage structure that is also located within a heritage area will be assessed against the provisions for heritage buildings and structures and not the heritage area provisions;~~
- i. ~~However, the resource consent assessment will also consider the values of the heritage area, including the relative contribution of building height to those values and the extent of compliance with any height standard;~~
- b. ~~Works to any heritage building or heritage structure (where only specific features are protected) that is also located in a heritage area (and the work also affects those parts of the building not specifically scheduled) will be assessed against the heritage area provisions; and~~
- e. Works to buildings and structures located adjacent to a heritage area, but not within, are not assessed against the provisions of this chapter.

SCHED3 identifies heritage areas.

HS3-Rec12: That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

Heritage areas – These are areas that contain a concentration and continuity of buildings and structures with similar heritage values

HS3-Rec13: That the ‘cross references to other relevant district plan provisions’ text of the Historic Heritage chapter be amended as detailed below and in Appendix A.

It is important to note that in addition to the provisions in this chapter, a number of other Part 2: District-Wide chapters also contain provisions that may be relevant, including:

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| <ul style="list-style-type: none">• <u>Subdivision</u> - The Subdivision Chapter contains provisions which manage <u>subdivision</u> of <u>land</u> including the sites of <u>heritage buildings</u> and <u>heritage structures</u>, within <u>heritage areas</u> and the extent of <u>scheduled archaeological sites</u>.• <u>Earthworks</u> - The Earthworks Chapter manages the adverse effects of <u>earthworks</u> including on the sites of <u>heritage buildings</u> and <u>heritage structures</u>, within <u>heritage areas</u>. and the extent of scheduled archaeological sites.• <u>Signs</u> - The signs chapter manages <u>signs</u> on <u>heritage buildings</u>, <u>heritage structures</u> and their sites, within <u>heritage areas</u> and the extent of <u>scheduled archaeological sites</u>. |
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- **Infrastructure - Other overlays** – The Infrastructure chapter manages the effects of infrastructure on heritage buildings, heritage structures and their sites, within heritage areas and the extent of scheduled archaeological sites.

Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule or in this chapter, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the [General Approach](#) chapter.

HS3-Rec14: That the introduction to the Historic Heritage chapter be amended as detailed below and in Appendix A.

....Both ~~the original ongoing~~-use and **any future** reuse can be a sustainable long term use for built heritage and can be facilitated by compatible additions and alterations and/or carefully done partial demolition **to support its ongoing functionality**.....

HS3-Rec15: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec16: That the definition of ‘heritage building’ be amended to clarify that in cases where the entire external building envelope is not protected, that it applies only to listed part of buildings as detailed below.

HERITAGE BUILDING	a building or protected parts of a building identified in SCHED1 - Heritage Buildings.
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HS3-Rec17: That the policy for total demolition of heritage buildings and heritage structures be amended as detailed below and in Appendix A.

Total demolition of heritage buildings and heritage structures

Avoid the total demolition of heritage buildings and heritage structures unless it can be demonstrated that there are no reasonable alternatives to total demolition, including:

6. Maintenance and repair, **including the extent to which it has been regularly undertaken;**
7. Seismic strengthening;
8. Additions, alterations or partial demolition, including to enable reuse;
9. Repositioning; and
10. Relocation.

HS3-Rec18: That the introduction to the Sites and Areas of Significance to Māori chapter be amended as follows:

.....While some sites are historical sites, others are living spaces and contemporary sites that require treatment based on the current use and development of ‘here and now’. Marae are structures that represent living cultural significance to iwi and Māori and to our city. These important structures represent historical whakapapa and oral history and their purpose is sacred and important as the centre of traditional, ritual, and community

activities. Marae have a high cultural value as the centre of iwi activities, and function to sustain iwi practices of everyday life. The Marae is the physical representation of Māoritanga and represents belonging which is of high significance. As such, the District Plan includes Marae as sites of significance and enables their ongoing use and development and the establishment of new Marae.

[Heritage New Zealand Pouhere Taonga is responsible for issuing an archaeological authority for any earthworks that may affect an archaeological site \(refer to Appendix 1 for more information\)](#)

HS3-Rec19: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec20: That HH-O1 be amended as detailed below and in Appendix A.

Historic heritage **is** recognised for its contribution to an understanding and appreciation of the history, culture and sense of place of Wellington City, the Wellington region and New Zealand.

HS3-Rec21: That submissions on HH-O1 are accepted/rejected as per Appendix B.

HS3-Rec22: That HH-O2 be confirmed as notified.

HS3-Rec23: That submissions on HH-O2 are accepted/rejected as per Appendix B.

HS3-Rec24: That HH-O3 is retained as notified.

HS3-Rec25: That submissions on HH-O3 are accepted/rejected as per Appendix B.

HS3-Rec26: That HH-P1 is retained as notified.

HS3-Rec27: That submissions on HH-P1 are accepted/rejected as per Appendix B.

HS3-Rec28: That the policy addressing 'Maintenance and repair' is confirmed as notified.

HS3-Rec29: That submissions on HH-P2 are accepted/rejected as per Appendix B.

HS3-Rec30: That internal seismic strengthening visible from the exterior of a heritage building is a controlled activity, from a permitted activity. This is achieved through drafting of a new rule.

HS3-Rec31: That new floor levels and walls visible from the exterior of a heritage building is a controlled activity, from a restricted discretionary activity. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.

HS3-Rec32: That new internal floor levels and walls visible from the exterior of contributing buildings in heritage area to a permitted activity, from a restricted discretionary activity, which has the effect that all internal works to all buildings in heritage areas are permitted. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.

HS3-Rec33: That the policy on 'internal works' is amended to focus on heritage buildings and reflect the recommendation to apply a controlled activity status except for when internal features are protected as set out below and detailed in Appendix A

<p>HH-P3</p> <p>HH-P4</p>	<p>Internal works</p> <p>Enable <u>Control</u> works internal to <u>heritage buildings, including any built heritage, interiors or interior features that are specifically scheduled.</u> or:</p> <p>3. The works involve interiors or interior features which are specifically scheduled; or</p> <p>4. New floor levels that will be visible from the exterior of <u>buildings</u>.</p>
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HS3-Rec34: That temporary works and invasive seismic investigation are permitted activities for heritage buildings and buildings within heritage areas. This is achieved through drafting of a new rule as part of the IPI given the recommendation stems from a rule formerly notified under that process.

HS3-Rec35: That submissions are accepted/rejected on HH-P3 as per Appendix B.

HS3-Rec36: That HH-P4 is amended as detailed below and in Appendix A.

<p>HH-P4</p> <p>HH-P5</p>	<p>Enabling approach to works</p> <p>Enable works to <u>built heritage</u> that:</p> <p>6. Increase resilience through <u>seismic strengthening</u>, either in isolation or as part of <u>additions</u> and <u>alterations</u>;</p> <p>7. Support providing a sustainable long-term use <u>or the ongoing functionality of the building</u>;</p> <p>8. <u>Are undertaken in accordance with recognised conservation principles and methods</u>;</p> <p>9. 3. Increase accessibility and support means of escape from fire; or</p> <p>10. 5. Provide the opportunity to promote, enhance, recover or reveal heritage values.</p>
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HS3-Rec37: That submissions are accepted/rejected on HH-P4 as per Appendix B.

HS3-Rec38: Reorder the polices of the chapter so that the policy on ‘Conservation Plans’ follows the policy on identification of historic heritage.

HS3-Rec39: That submissions are accepted/rejected on HH-P5 as per Appendix B.

HS3-Rec40: That the policy addressing ‘Removal of unreinforced masonry chimneys’ is retained as notified.

HS3-Rec41: That submissions on HH-P6 are accepted/rejected per Appendix B.

HS3-Rec42: That the policy for ‘Additions, alterations and partial demolition of heritage buildings and structures’ is amended as detailed below and in Appendix A.

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| <p>2. The extent to which the work:</p> <p>a. Supports the heritage building or heritage structure having a sustainable long term use and <u>its ongoing functionality</u>;</p> <p>b. Promotes, enhances, recovers or reveals heritage values;</p> |
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- c. Retains the main determinants of the architectural style or design of the heritage building or heritage structure;
- d. Is compatible with the scale, form, proportion, design and materials of the heritage building or heritage structure;

HS3-Rec43: That submissions on HH-P7 are accepted/rejected per Appendix B.

HS3-Rec44: Amend the policy for 'New buildings and structures, and modifications to existing non-scheduled buildings on the site of a heritage building or structure' as below and in Appendix A:

(...)

1. The extent to which the work:

- a. Is compatible with the scale, form, proportions, design and materials of the heritage building or heritage structure;

HS3-Rec45: That submissions on HH-P8 are accepted/rejected per Appendix B.

HS3-Rec46: That notified policy HH-P9 is split into two policies as detailed below and in Appendix A.

Repositioning ~~and relocation~~ of a heritage building or structure

Only allow heritage buildings and heritage structures to be repositioned on their existing site ~~or relocated to another site~~ where it can be demonstrated that:

4. It will align and be undertaken in accordance with recognised conservation principles and methods;
5. The work ~~It~~ is necessary to save the heritage building or heritage structure from damage or destruction from natural hazard; or
6. The work ~~It will~~ not detract from the identified heritage values, and the proposed siting will be appropriate; ~~and.~~

~~4. In the case of For relocation, alternatives have been explored and relocation is considered by Council to be a reasonable option there are no practical alternatives to avoid total demolition.~~

Relocation of a heritage building or structure

Only allow heritage buildings and heritage structures to be relocated to another site where it can be demonstrated that:

5. It will align and be undertaken in accordance with recognised conservation principles and methods;
6. It is necessary to save the heritage building or heritage structure from damage or destruction from natural hazard; or
7. There are no practical alternatives to avoid total demolition; and
8. The proposed alternative siting will be appropriate.

HS3-Rec47: That submissions on HH-P8 are accepted/rejected per Appendix B.

HS3-Rec48: That the policy addressing 'total demolition of heritage buildings and structures' is amended as detailed in HS3Rec-17.

HS3-Rec49: That submissions on HH-P10 are accepted/rejected as detailed in Appendix B.

HS3-Rec50: That the title of the policy for ‘height of development in heritage areas’ be amended as detailed below and in Appendix A:

Height of development within heritage areas

Manage the height of development within heritage areas to recognise and respect their unique form and scale of heritage areas in the City Centre Zone, Centre Zones and the Waterfront Zone.

HS3-Rec51: That submissions on HH-P11 are accepted/rejected as detailed in Appendix B.

HS3-Rec52: That the policy addressing ‘non-heritage buildings and structures’ is retained as notified.

HS3-Rec53: That submissions on HH-P12 are accepted as detailed in Appendix B.

HS3-Rec54: That the policy addressing ‘Additions and alterations to, and partial demolition of buildings and structures within heritage areas’ is amended as detailed below and detailed in Appendix A.

2. The extent to which the work:

- e) Supports buildings and structures having a sustainable long term use;
- f) Promotes, enhances, recovers or reveals heritage values;
- g) Respects the valued neighbourhood patterns of the heritage area including any predominant architectural style or design;
- h) Is compatible with the scale, form, proportion, design and materials that have been identified as part of the heritage values of the heritage area;

HS3-Rec55: That submissions on HH-P13 are accepted/rejected as detailed in Appendix B.

HS3-Rec56: That the policy addressing ‘New buildings and structures within heritage areas’ is confirmed as notified.

HS3-Rec57: That submissions on HH-P14 are accepted/rejected as detailed in Appendix B.

HS3-Rec58: That the policy addressing ‘Repositioning and relocation of contributing buildings and structures’ is amended as detailed below and in Appendix A.

Repositioning ~~and relocation~~ of contributing buildings and structures within heritage areas

Only allow the repositioning ~~and relocation~~ of contributing buildings and structures within heritage areas where it can be demonstrated that:

- 4. ~~The works are~~ It is necessary to save the contributing building or structure from damage or destruction from natural hazard risks; or
- 5. ~~For repositioning within the heritage area, the works~~ It will not detract from the identified values of the heritage area ~~;~~ or
- 6. ~~Relocation outside of the heritage area is the only practical alternative to avoid total demolition. relocation is considered by Council to be a reasonable option.~~

HS3-Rec59: That the policy addressing ‘total demolition of contributing buildings and structures’ is amended as detailed below and in Appendix A.

Relocation or Total demolition of contributing buildings and structures within heritage areas

Avoid the relocation or total demolition of contributing buildings and structures within heritage areas unless it can be demonstrated that:

4. There are no significant adverse effects on the identified heritage values of the heritage area; or
5. ~~The works are~~ It is necessary to save the contributing building or structure from damage or destruction from natural hazard risks; or
6. ~~There are no reasonable alternatives to relocation or total demolition. Alternatives to total demolition have been explored and total demolition is considered by Council to be a reasonable option.~~

HS3-Rec60: That submissions on HH-P16 are accepted/rejected as detailed in Appendix B.

HS3-Rec61: That the policy on ‘Information, advocacy and advice’ is retained as notified.

HS3-Rec62: That submissions on HH-P17 are accepted/rejected as detailed in Appendix B.

HS3-Rec63: That the policy on the ‘Modification of scheduled archaeological sites and earthworks within their extent’ is retained as notified

HS3-Rec64: That submissions on HH-P20 are accepted/rejected as detailed in Appendix B.

HS3-Rec65: That the policy addressing the ‘Total demolition of scheduled archaeological sites’ is retained as notified.

HS3-Rec66: That submissions on HH-P21 are accepted/rejected as detailed in Appendix B.

HS3-Rec67: That rule HH-R1 is retained as notified.

HS3-Rec68: That submissions on HH-R1 are accepted/rejected as detailed in Appendix B.

HS3-Rec69: That rule for ‘partial and total demolition of non-scheduled buildings and structures on the site of heritage buildings and heritage structures’ is retained as notified.

HS3-Rec70: That submissions on HH-R2 are accepted/rejected as detailed in Appendix B.

HS3-Rec71: That the rule for ‘Additions, alterations and partial demolition of heritage buildings and heritage structures’ is amended to include policy direction relating to chimneys and conservations plans as matters of discretion, as detailed in Appendix A.

HS3-Rec72: That submissions on HH-R3 are accepted/rejected as detailed in Appendix B.

HS3-Rec73: That the rule for ‘New buildings and structures on the site of heritage buildings and heritage structures’ is confirmed as notified.

HS3-Rec74: That submissions on HH-R4 are accepted/rejected as set out in Appendix B.

HS3-Rec75: That the rule for ‘Additions and alterations to non-scheduled buildings and structures on the site of heritage buildings and structures’ is retained as notified.

HS3-Rec76: That submissions on HH-R5 are accepted/rejected as detailed in Appendix B.

HS3-Rec77: That the rule for ‘Repositioning of heritage buildings and heritage structures on their existing site’ is retained as notified.

HS3-Rec78: That submissions on HH-R6 are accepted/rejected as detailed in Appendix B.

HS3-Rec79: That the rule for ‘Removal of unreinforced masonry chimneys from built heritage’ is confirmed as notified.

HS3-Rec80: That submissions on HH-R7 are accepted/rejected as detailed in Appendix B.

HS3-Rec81: That the following text be added as information requirements to rule for the ‘Relocation of heritage buildings and structures beyond their existing site’.

Section 88 information requirements to accompany applications for the relocation of heritage buildings and structures beyond the existing site:

2. An application under this rule to relocate any heritage building or structure beyond the existing site must be accompanied by:
 - a. A Heritage Impact Assessment that evaluates the potential effects on the building or structure’s associated heritage values resulting from relocation from its current site;
 - b. An assessment of alternatives to relocation that have been considered by the applicant, including evidence demonstrating why none of these present a reasonable option;
 - c. A Heritage Construction Management Plan outlining the measures and methods that will be undertaken to protect the building before, during, and after the relocation; and
 - d. A Conservation Plan where one exists.

HS3-Rec82: That submissions on HH-R8 are accepted/rejected as detailed in Appendix B.

HS3-Rec83: That the rule for ‘Total demolition of heritage buildings and heritage structures’ is amended to include information requirements as detailed in Appendix A.

HS3-Rec84: That submissions on HH-R9 are accepted/rejected as detailed in Appendix B.

HS3-Rec85: That rule for ‘Maintenance and repair of buildings and structures, including non-heritage buildings and structures’ is retained as notified.

HS3-Rec86: That submissions on HH-R10 are accepted/rejected as detailed in Appendix B.

HS3-Rec87: That the rule for ‘Additions, alterations and partial demolition of buildings and structures within a heritage area, including non-heritage buildings and structures’ be amended to include HH-P6 and HH-P4 as matters of discretion as detailed in Appendix A.

HS3-Rec88: That the permitted activity step of notified HH-R11.1 be deleted as this is addressed by specific new rules.

- HS3-Rec89:** That submissions on HH-R11 are accepted/rejected as detailed in Appendix B.
- HS3-Rec90:** That rule for ‘Total demolition, repositioning and relocation of an identified non-heritage building or structure’ is retained as notified.
- HS3-Rec91:** That submissions on HH-R12 are accepted/rejected as detailed in Appendix B.
- HS3-Rec92:** That the rule for ‘New buildings and structures within heritage areas’ is redrafted to enable permitted structures in all zones, and includes these standards within the rule, deleting HH-S2 as a matter of drafting.
- HS3-Rec93:** That submissions on HH-R13 are accepted/rejected as detailed in Appendix B.
- HS3-Rec94:** That the rule for ‘Repositioning of contributing buildings and structures within a heritage area’ is retained as notified.
- HS3-Rec95:** That submissions on HH-R14 are accepted/rejected as detailed in Appendix B.
- HS3-Rec96:** That the rule for ‘Relocation of contributing buildings and structures to a location outside of a heritage area’ be amended to apply to both relocation and total demolition of contributing buildings and structures.
- HS3-Rec97:** That information requirements be added to the rule.
- HS3-Rec98:** That submissions on HH-R15 are accepted/rejected as detailed in Appendix B.
- HS3-Rec99:** That the rule addressing ‘Total demolition of contributing buildings and structures’ be deleted and combined into a single rule with the relocation of contributing buildings.
- HS3-Rec100:** That submissions on HH-R16 are accepted/rejected as detailed in Appendix B.
- HS3-Rec101:** That rule for ‘Modification of a scheduled archaeological site, including earthworks within the mapped extent’ is retained as notified.
- HS3-Rec102:** That submissions on HH-R18 are accepted/rejected as detailed in Appendix B.
- HS3-Rec103:** That the rule for ‘Total demolition of scheduled archaeological sites’ is retained as notified.
- HS3-Rec104:** That submissions on HH-R19 are accepted/rejected as detailed in Appendix B.
- HS3-Rec105:** That the rule for ‘Alterations to enable building access at ground floor level of 32 the Terrace ‘The Braemar building’ is retained as notified.
- HS3-Rec106:** That submissions on HH-R20 are accepted/rejected as detailed in Appendix B.
- HS3-Rec107:** That Standard HH-S1 is deleted as a matter of drafting and its content (modified to reflect my recommendations) be incorporated into the relevant rules.
- HS3-Rec108:** That submissions on HH-S1 are accepted/rejected as detailed in Appendix B.
- HS3-Rec109:** That standard HH-S2 is deleted as a matter of drafting.
- HS3-Rec110:** That submissions on HH-S2 are accepted/rejected as detailed in Appendix B.
- HS3-Rec111:** That Standard HH-S3 be deleted, and its content be incorporated into the relevant rules.

HS3-Rec112: That submissions on HH-S3 are accepted/rejected as detailed in Appendix B.

HS3-Rec113: That the maximum height limit for the Newtown Shopping Centre Heritage Area be amended to 18m.

HS3-Rec114: That the Parliamentary [precinct heritage area standards be clarified by amending 'Between Parliament buildings and Museum Street' to 'From the front (eastern edge) of Parliament buildings westward to Museum Street'

HS3-Rec115: That submissions on HH-S4 be accepted/rejected as detailed in Appendix B.

HS3-Rec116: That the standard HH-S5 be deleted, and its content be incorporated into the relevant rules.

HS3-Rec117: That submissions on HH-S5 are accepted/rejected as detailed in Appendix B.

HS3-Rec118: That the standard HH-S6 be deleted and its content be incorporated into the relevant rules.

HS3-Rec119: That submissions on HH-S6 are accepted/rejected as detailed in Appendix B.

HS3-Rec120: That the standard HH-S7 be deleted, and its content be incorporated into the relevant rules.

HS3-Rec121: That submissions on HH-S7 are accepted/rejected as detailed in Appendix B.

HS3-Rec122: That no changes are made to the design guides because of these submissions.

HS3-Rec123: That no changes are made to the design guides because of these general submissions.

HS3-Rec124: That general submissions on the design guides are accepted/rejected as detailed in Appendix B.

HS3-Rec125: That the introductory text for 'additional considerations' be amended to clarify that this is text in orange throughout the design guide.

HS3-Rec126: That the application section of the Heritage Design Guide be amended as detailed below and in Appendix A:

Wellington's taonga tuku ihotanga (heritage) consists of the tangible and intangible, heard and unheard, seen and unseen heritage from all of New Zealand's peoples and both Tiriti o Waitangi partners

HS3-Rec127: That submissions on the introduction of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec128: That the Design Guide Outcome for Heritage is confirmed as notified.

HS3-Rec129: That submissions on the Outcomes of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec130: That guideline G2 is confirmed as notified.

HS3-Rec131: That submissions on G2 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec132: That the following statement in G10 be moved to 'additional considerations'.

consideration can be given to the alignment of floor levels and window heads and sills.

HS3-Rec133: That submissions on G10 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec134: That the illustrations as part of G13 are confirmed as notified.

HS3-Rec135: That submissions on G11 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec136: That G15 is retained as notified.

HS3-Rec137: That submissions on G15 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec138: That G16 is retained as notified.

HS3-Rec139: That submissions on G16 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec140: That guideline G31 is amended as detailed below and set out in Appendix A.

Consider effects on heritage fabric by:

- undertaking conservation-works with consultation, engagement and in partnership with mana whenua.
- understanding the heritage values of the place through research, investigation, recording and documentation.
- planning and carrying out maintenance and repair in accordance with recognised conservation principles.
- retaining fabric which contributes to the significance, character or appearance of heritage sites, areas, buildings and structures.
- The preparation and implementation of a Conservation Plan as the guiding document for the conservation, care and management of scheduled historic heritage is encouraged. For more information on conservation plans, refer to James Semple Kerr's The Conservation Plan, 7th Edition

HS3-Rec141: That submissions on G31 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec142: That G37 is retained as notified.

HS3-Rec143: That submissions on G37 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec144: That G40 is retained as notified.

HS3-Rec145: That submissions on G40 of the design guide are accepted/rejected as detailed in Appendix B.

HS3-Rec146: That a statement can usefully be added to the introduction of the Heritage Design Guide that the Centres and Mixed Use Design Guide provides guidance on how to design new development adjacent to a heritage place.

HS3-Rec147: That submissions on other design guide matters are accepted/rejected as detailed in Appendix B.

HS3-Rec148: Amend APP1 Historic Heritage Advice Notes to include the following:

Amend APP1 (Historic Heritage Advice Notes) as follows:

ICOMOS NZ Charter and other policy documents and guidelines

(...)

~~These documents provide important references in identifying and protecting heritage, and in the resource consent process including for the assessment of environmental effects.~~

These documents provide important references in identifying and protecting heritage. They also contribute to the assessment of environmental effects within resource consent processes.

Amend APP1 (Historic and Heritage Advice Notes) as follows:

(...)

Conservation Plans

~~A conservation plan is a method of managing the cultural significance of a place of cultural heritage value.~~

A Conservation Plan is an objective report which documents the history, fabric, and cultural heritage value of a place, assesses its cultural heritage significance, describes the condition of the place, outlines conservation policies for managing the place, and makes recommendations for the conservation of the place.

HS3-Rec149: That submissions on Appendix 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec150: That no changes are made to SCHED1 because of these submissions.

HS3-Rec151: That these submissions on Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec152: That SCHED1 continues to include item 470 (Cooper's Cottage).

HS3-Rec153: That submissions on Cooper's Cottage in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec154: That SCHED1 should continue to include item 120, particularly the Our Lady Star of the Sea Chapel, former convent and school, and covered walkway, but excludes other buildings and structures on the site including the convent (1959), detached houses, and swimming pool.

HS3-Rec155: SCHED1 should be amended to replace the words “Stellamaris Retreat House” with “school and convent (former)”.

HS3-Rec156: That submissions on Our Lady Star of the Sea Chapel and Stellamaris Retreat House in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec157: That SCHED1 continues to include item 299, 320 The Terrace, Gordon Wilson Flats.

HS3-Rec158: That submissions on Gordon Wilson Flats in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec159: That SCHED1 continues to include item 366, Johnsonville Masonic Hall, 25-29 Phillip Street.

HS3-Rec160: That submissions on Johnsonville Masonic Hall in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec161: That SCHED1 continues to include item 471, 20 Austin Street.

HS3-Rec162: That submissions on 20 Austin Street in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec163: That SCHED1 includes item 490 – 24 Donald McLean Street, Former Primitive Methodist Church.

HS3-Rec164: That submissions on Former Primitive Methodist Church in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec165: That SCHED1 should continue to include item 497, the Robert Stout Building.

HS3-Rec166: That SCHED1 and the interactive map should be updated to include the same curtilage as item 171, Hunter Building, Victoria University, 21 Kelburn Parade.

HS3-Rec167: That submissions on Robert Stout Building in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec168: That SCHED1 should continue to include item 505, the Penthouse Cinema.

HS3-Rec169: That submissions on Penthouse Cinema in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec170: That SCHED1 item 509 should continue to include item 509, Wharenui Apartments, 274 Oriental Parade, with a curtilage as mapped in Figure 9.



HS3-Rec171: That submissions on 274 Oriental Parade in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec172: That SCHED1 should continue to include item 510, 280 Oriental Parade, Olympus Apartments.

HS3-Rec173: That submissions on 280 Oriental Parade - Olympus Apartments in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec174: That SCHED1 continues to include item 511 - 139 Park Road, Gas Tank (former) renamed as Miramar Installation Bulk Storage Tank (former).

HS3-Rec175: That submissions on 139 Park Road (Gas Tank) in Schedule 1 are accepted/rejected as detailed in Appendix B.

HS3-Rec176: That SCHED1 continues to include item 514 former Toomath House, 28 Robieson Street.

HS3-Rec177: That submissions on Item 514 former Toomath House are accepted/rejected as detailed in Appendix B.

HS3-Rec178: That SCHED1 continues to include item 519, 79A Todman Street, Sutch-Smith House.

HS3-Rec179: That submissions on Item 519, 79A Todman Street, Sutch-Smith House are accepted/rejected as detailed in Appendix B.

HS3-Rec180: That SCHED1 includes item 520 – 53 Trelissick Crescent, Kahn House.

HS3-Rec181: That submissions on item 520 – 53 Trelissick Crescent, Kahn House are accepted/rejected as detailed in Appendix B.

HS3-Rec182: That SCHED1 continues to include item 521, 18 Vera Street, Firth House (former).

HS3-Rec183: That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B.

HS3-Rec184: That SCHED1 is amended to omit item 522, 154 Victoria Street.

HS3-Rec185: That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B.

HS3-Rec186: That SCHED1 should continue to include item 524, 134 Willis Street.

HS3-Rec187: That submissions on item 521, 18 Vera Street, Firth House (former) are accepted/rejected as detailed in Appendix B

HS3-Rec188: That item 525, 233 Willis Street is omitted from SCHED1.

HS3-Rec189: That submissions on item 525, 233 Willis Street are accepted/rejected as detailed in Appendix B

HS3-Rec190: That the amendments of HNZPT are made to the heritage schedules.

HS3-Rec191: That that heritage schedules are alphabetised.

HS3-Rec192: That submissions on the organisation and accuracy of the schedules are accepted/rejected as detailed in Appendix B.

HS3-Rec193: That the heritage schedules are not ranked.

HS3-Rec194: That submissions on ranking are accepted/rejected as detailed in Appendix B.

HS3-Rec195: That no amendments are made in response to Wellington Heritage Professionals [412.104].

HS3-Rec196: That submissions on facades are accepted/rejected as detailed in Appendix B.

HS3-Rec197: That no changes are made to the listing for Item 181: State Insurance Building (former) (Heritage Order).

HS3-Rec198: That submissions on Item 181: State Insurance Building (former) (Heritage Order) are accepted/rejected as detailed in Appendix B.

HS3-Rec199: That Item 415 (1 Ranfurly Terrace) of SCHED1 - Heritage Buildings is amended as detailed below:

Protections Required

~~All of the exterior of the house including the Entire external envelope-Exterior – facades, roofs, roofline, chimneys and chimney pots.~~

~~All of the front garden including Front garden – masonry front fence, piers, and metal gates; front garden formal layout including edging around planter beds; tiled path; tiled steps to entrance, rendered plinths, and tiled porch floor.~~

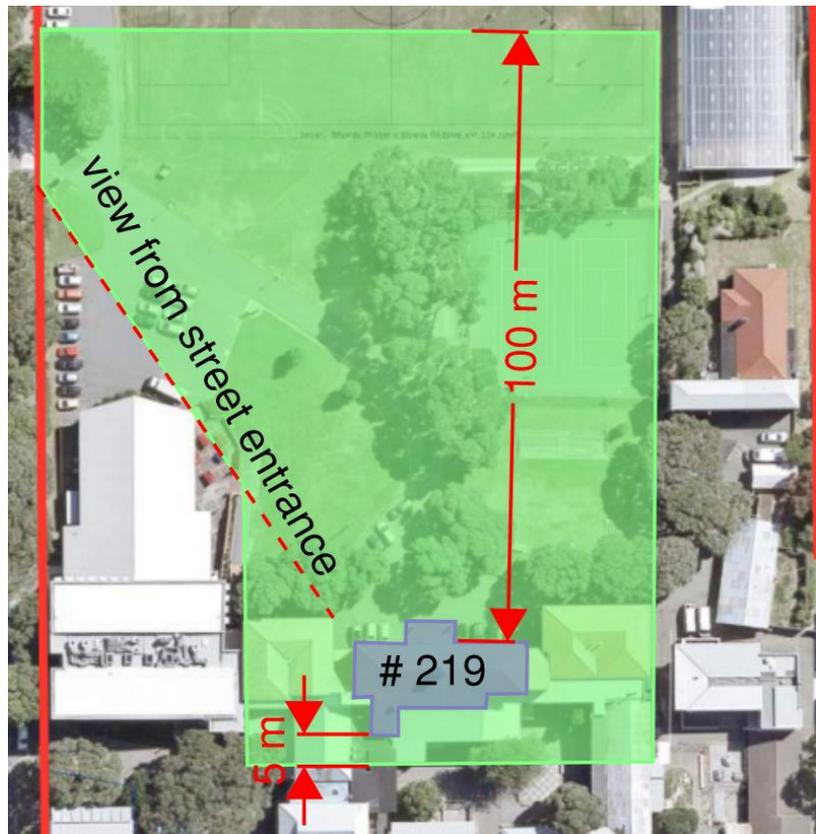
~~Specific items in the rear garden Rear garden - three sections of masonry fence with plinth, bottle balusters, and top rail.~~

~~The interior of the house including any Interior- including any original lath and plaster walls and ceilings; decorative plasterwork including ceiling roses, cornices and mouldings, and decorative plaster arches; timber floorboards; timber joinery including timber panelled doors, skirting~~

boards, and architraves.
(...)

HS3-Rec200: That submissions on Item 415 (1 Ranfurly Terrace) of SCHED1 - Heritage Buildings are accepted/rejected as detailed in Appendix B.

HS3-Rec201: That the eplan maps be amended, along with SCHED1- Heritage Buildings to specify a curtilage around the Scot's College Main Building as detailed below:



HS3-Rec202: That submissions on Item 219 (Scots' College Main Building) are accepted/rejected as detailed in Appendix B.

HS3-Rec203: That the Wellington Central Library Te Mātapihi is not added to SCHED1.

HS3-Rec204: That submissions on the Wellington Central Library are accepted/rejected as detailed in Appendix B.

HS3-Rec205: That the McLean flats are not added to SCHED1.

HS3-Rec206: That submissions on the McLean Flats are accepted/rejected as detailed in Appendix B.

HS3-Rec207: That Hurston House is not added to SCHED1.

HS3-Rec208: That submissions on Hurston House are accepted/rejected as detailed in Appendix B.

HS3-Rec209: That the nominations of Joanna Newman [85.5] and Mount Victoria Historical Society [214.12] not be added to SCHED1.

HS3-Rec210: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec211: My recommendations are the same as those for Joanna Newman and the Mount Victoria Historical Society nominations that I do not recommend that these buildings are added to SCHED1.

HS3-Rec212: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec213: That 61 Hankey Street (Dobson House) is added to SCHED1.

HS3-Rec214: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec215: My recommendations are the same as those for Joanna Newman and the Mount Victoria Historical Society nominations that I do not recommend that these buildings are added to SCHED1. They can be added to the Council's database of heritage nominations for consideration at a later date.

HS3-Rec216: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec217: That SCHED1 is not amended to include The Michael Fowler Centre, The Municipal Office Building, The Civic Administration Building, Wellington Central Library.

HS3-Rec218: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec219: That Salvation Army Citadel building on Jessie Street is not added to SCHED1.

HS3-Rec220: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec221: That 17 Parkvale Road (Willowgrove) is added to SCHED1.

HS3-Rec222: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec223: That Tea Rooms and Bakehouse (former) at 249-261 Mansfield Street, Newtown is added to SCHED1.

HS3-Rec224: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec225: That 355 the Parade is not included on SCHED1.

HS3-Rec226: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec227: That 26 Robieson Street is not included in SCHED1.

HS3-Rec228: That submissions on proposed nominations are accepted/rejected as detailed in Appendix B.

HS3-Rec229: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec230: That Item 4 (Seatoun Tunnel) is updated as follows: (HNZPT #) Historic Place Category 2, 3650.

HS3-Rec231: That Item 28 (Queen Victoria Statue) is updated as follows: (HNZPT #) Historic Place Category 2, ~~28~~ 3663

HS3-Rec232: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec233: That the curtilage proposed in Tawa Historical Society in submission 386 is included on the planning maps and the Tawa War Memorial at the northern end of Oxford Street, and the World War I memorial rock added as non-heritage structures.



HS3-Rec234: That submissions on the Elsdon Best Memorial are accepted/rejected as detailed in Appendix B.

HS3-Rec235: That the eplan maps be modified to exclude 83-87 Waterloo Quay as being part of the curtilage of the listing for Item 44, Wellington Railway Station.

HS3-Rec236: That submissions on the Wellington Railway Station are accepted/rejected as detailed in Appendix B.

HS3-Rec237: That SCHED2 is amended to correct the location of the Bolton Street Overbridge as 'legal road'

HS3-Rec238: That submissions on the Bolton Street Motorway Overbridge are accepted/rejected as detailed in Appendix B.

HS3-Rec239: That the Mount Victoria Tunnel is not added to SCHED2 – Heritage Structures.

HS3-Rec240: That submissions on the Mount Victoria tunnel are accepted/rejected as detailed in Appendix B.

HS3-Rec241: That the Glenside Milk Stand is added to SCHED2-Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Middleton Road (corner of Middleton Road and Glenside Road), Glenside	Glenside Milk Stand	Legal road	Entire structure The extent includes a curtilage that extends to 1m from each side of the structure.	A,C,E,F		

HS3-Rec242: That submissions on the Glenside Milk Stand are accepted/rejected as detailed in Appendix B.

HS3-Rec243: That the Tram Pole on Jervois Quay be added to SCHED2 – Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Jervois Quay (corner of Jervois Quay and Wakefield Street)	Tram Pole	Legal Road	Entire structure including the tram pole, bracket arms and insulators. The extent includes a curtilage radius of 1.5m from the structure.	A,B,C,E,F		

HS3-Rec244: That submissions on the Jervois Quay Tram Pole are accepted/rejected as detailed in Appendix B.

HS3-Rec245: That the Tyers Stream Dam be added to SCHED2 – Heritage Structures as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
XX	Tyers Stream Reserve, Ngauranga	Tyers Stream Dam	Fee Simple, 1/1, Lot 4 Deposited Plan 58937	Entire structure	A,B,E,F		

HS3-Rec246: That submissions on the Tyers Stream Dam are accepted/rejected as detailed in Appendix B.

HS3-Rec247: That the survey peg on a property at 395 Middleton Road is not added to SCHED2 – Heritage Structures.

HS3-Rec248: That submissions on the survey peg in Glenside are accepted/rejected as detailed in Appendix B.

HS3-Rec249: That no structures in the Civic Square Area are added to SCHED2 – Heritage Structures.

HS3-Rec250: That submissions on structures in the Civic Square Area are accepted/rejected as detailed in Appendix B.

HS3-Rec251: That the bucket fountain is not added to SCHED2- Heritage Structures.

HS3-Rec252: That submissions on the bucket fountain are accepted/rejected as detailed in Appendix B.

HS3-Rec253: That no changes are made to SCHED3-Heritage Areas because of these submissions.

HS3-Rec254: That submissions on SCHED3 generally are accepted/rejected as detailed in Appendix B.

HS3-Rec255: That the heritage areas notified in Mount Victoria are retained as notified.

HS3-Rec256: That submissions on heritage areas notified in Mount Victoria are accepted/rejected as detailed in Appendix B.

HS3-Rec257: That SCHED 3 Item 24 – Salisbury Garden Court Heritage Area is retained without amendments and is not exempt from any heritage area provisions.

HS3-Rec258: That submissions on Item 24 – Salisbury Garden Court Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec259: That SCHED3 continues to include Item 40 (Albion Gold Mining Company Battery and Mine Remains) with amendments to the extent of the listing.

HS3-Rec260: That submissions on Item 40 (Albion Gold Mining Company Battery and Mine Remains) are accepted/rejected as detailed in Appendix B.

HS3-Rec261: That SCHED3 continues to include Item 40 (Albion Gold Mining Company Battery and Mine Remains) with amendments to the extent of the listing.

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #
40	900 South Makara Road	Albion Gold Mining Company Battery and Mine Remains	South Makara Road - 900 (PT SEC 62 Terawhiti District Part Section 62 LINZ reference: DCDB Document Id: CT 10B/306 and DCDB Document Id: CT 341/241) (RT 321565), (LOTS 3-4 DP 375401 SECS 1-4 8-10-13-13A-14-17-19-26 29-32-51-52-55-59-94-98PT SECS 9 33-50-54-60-64-73-75 TERAWHITI DISTRICT LOT 3 DP 5864 BLKS II-IV V-VIII IX PORT NICHOLSON SD - PT SECS 950-61-63 SECS 13-29-51-98 LOTS 3-4 DP 375401 SUBJ TO ESMT DP 433)	Includes Proposed Albion Gold Mining Company Battery and Mine archaeological remains and structures associated with the Albion Gold Mining Company, including the remains of the battery (NZAA site Q27/112), embankment, mine manager's house (NZAA site Q27/120), incline tramway and mine, and their fittings and fixtures. Does not include Transpower's fibre optic cable which is located near the road.	A, B, C, E, F		Albion Gold Mining Company Battery and Remains, Historic Place Category 2 , 9032

HS3-Rec262: That submissions on Item 40 (Albion Gold Mining Company Battery and Mine Remains) are accepted/rejected as detailed in Appendix B.

HS3-Rec263: That no changes are made to the names of the baches in Items 38 (Mestanes Bay Baches) and 39 (Red Rocks Baches).

HS3-Rec264: Amendments to SCHED3 to respond to the Council and HNZPT are made.

HS3-Rec265: That submissions on the accuracy of SCHED3 are accepted/rejected as detailed in Appendix B.

HS3-Rec266: That no changes are made in response to Everard Aspell [270.11-270.15] (supported by Thorndon Residents' Association Inc FS69.113).

HS3-Rec267: That submissions are accepted/rejected as detailed in Appendix B

HS3-Rec268: That no changes are made in response to Wellington Heritage Professionals [412.109].

HS3-Rec269: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec270: That no changes to the extent of heritage areas are made in response to the submission point of Peter Fordyce [431.10] Grace Ridley-Smith [390.10-390.13] Christina Mackay [478.16].

HS3-Rec271: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec272: That Item 1 (Aro Valley Cottages) of SCHED3 is confirmed in extent as notified.

HS3-Rec273: That submissions on the Aro Valley cottages are accepted/rejected as detailed in Appendix B.

HS3-Rec274: That no changes are made to SCHED3 item 28 Stout Street Precinct Heritage Area.

HS3-Rec275: That submissions on the Stout Street Precinct Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec276: That SCHED 3 Item 33 - Newtown Shopping Centre Heritage Area is retained without amendments.

HS3-Rec277: That submissions on the Newtown Shopping Centre Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec278: That SCHED 3 continues to include 34 Hawker Street as a contributing building within item 42 - Doctors' Common Heritage Area.

HS3-Rec279: That submissions on 34 Hawker Street are accepted/rejected as detailed in Appendix B.

HS3-Rec280: That the extent of the Elizabeth Street Heritage areas is amended to remove 50, 52, 61 and 63 Elizabeth Street.

HS3-Rec281: That submissions on the Elizabeth Street Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec282: That the following parts of the building at 134 Brougham Street be identified as non-heritage in the SCHED3 entry for the Moir Street Heritage Area – '*Part of 134 Brougham Street (rear additions only – including sunroom, rear porch, laundry, shed, and detached garage)*'. The remainder of the building retains its contributory status.

HS3-Rec283: That submissions on 134 Brougham Street are accepted/rejected as detailed in Appendix B.

HS3-Rec284: That 115 Brougham Street is included in SCHED3– Item 45 - Porritt Avenue Heritage Area as a contributing building.

HS3-Rec285: That Tutchen Avenue is not added as a heritage area to SCHED3.

HS3-Rec286: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec287: That SCHED 3 item 46 Ascot Street Heritage Area continues to include 241 Tinakori Road as a “contributing building”.

HS3-Rec288: That SCHED 3 item 46 Ascot Street Heritage Area continues to include 12a Parliament Street as a “contributing building”.

HS3-Rec289: That SCHED 3 item 46 Ascot Street Heritage Area is amended to change 16 Parliament Street from a “contributing building” to a “non-heritage building”.

HS3-Rec290: That the name of SCHED3-Ascot Street heritage area is confirmed as notified.

HS3-Rec291: That 8 and 11 Glenbervie Terrace be added as contributing buildings to the Ascot Street Heritage Area.

HS3-Rec292: That 21 Glenbervie Terrace be changed from a “contributing building” to a “non-heritage building” in the Ascot Street Heritage Area.

HS3-Rec293: That the address for 23 Glenbervie Terrace be amended to 1/23, 2/23, 3/23, 4/23, 5/23, 6/23 Glenbervie Terrace in the list of exceptions.

HS3-Rec294: That submissions are accepted/rejected as detailed in Appendix B.

HS3-Rec295: That SCHED3 ‘Thorndon Shopping Centre Heritage Area’ is renamed to the ‘Tinakori Road Centre Heritage Area’.

HS3-Rec296: That submissions on the Thorndon Shopping Centre Heritage Area re accepted/rejected as detailed in Appendix B.

HS3-Rec297: That a Truby King Heritage Area is added to SCHED3 as detailed by Ms Smith, noting that this recommendation would have the effect of adding heritage protection to sites not contained in the notified PDP.

HS3-Rec298: That submissions on the Truby King Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec299: That a Claremont Grove Heritage Area is not included on SCHED3 – Heritage Areas.

HS3-Rec300: That submissions on a Claremont Grove Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec301: That SCHED3 – Heritage Areas is not amended to include properties in Lower Ellice Street.

HS3-Rec302: That submissions on a Lower Ellice Street Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec303: That SCHED3 is not amended to include a Civic Square Heritage Area as contained in the ODP, and instead contains a Te Ngākau Civic Square Precinct within the City Centre Zone (addressed in hearing stream 4).

HS3-Rec304: That submissions on a Civic Square Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec305: That Green, Emmett, Donald McLean, and Normanby Streets are not included on SCHED3 – Heritage Areas.

HS3-Rec306: That submissions on Heritage areas for Green, Emmett, Donald McLean, and Normanby Streets are accepted/rejected as detailed in Appendix B.

HS3-Rec307: That a Heritage Area with the extent submitted by Wellington’s Character Charitable Trust is not added to SCHED3-Heritage Areas.

HS3-Rec308: That conferencing is undertaken between Ms Smith and Mr Kelly considering agreement between experts to assist in determining the extent of a potential heritage area.

HS3-Rec309: That submissions on a Hay Street Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec310: That the area of Hobson Street is not included on SCHED3 – Heritage Areas.

HS3-Rec311: That submissions on a Hobson Street Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec312: That the area of Epuni Street is not included on SCHED3 – Heritage Areas.

HS3-Rec313: That submissions on an Epuni Street Heritage Area are accepted/rejected as detailed in Appendix B.

HS3-Rec314: That Tawa Cemetery at 307 Main Road, Tawa is not added to the heritage schedule.

HS3-Rec315: That submissions on Tawa Cemetery are accepted/rejected as detailed in Appendix B.

HS3-Rec316: That the former Tawa Flat Railway Station is not added to SCHED 3.

HS3-Rec317: That submissions on Tawa Flat Railway Station are accepted/rejected as detailed in Appendix B.

HS3-Rec318: That the Burial Site at 28 Westchester Drive is not added to SCHED4 – Scheduled Archaeological Sites.

HS3-Rec319: That submissions on a Burial Site at 28 Westchester Drive are accepted/rejected as detailed in Appendix B.

HS3-Rec320: That the Tawa Valley Railway lines are not added to SCHED4 – Scheduled Archaeological Sites.

HS3-Rec321: That submissions on the Tawa Valley Railway lines are accepted/rejected as detailed in Appendix B.

HS3-Rec322: That the SCHED4 entries for item 1 (Kau Point Battery) and Item 3 (Karori Gold mines) be amended as detailed below:

DP Ref #	Address	Name	Legal Description	Protection required	Values	Link	HNZPT #	NZAA Ref #
1	260 Massey Road, Maupuia 6022	Proposed Kau Point Battery, Motu Kairangi / Miramar Peninsula	Pt Sec 2 Watts Peninsula District	Proposed extent approximately 0.3 hectares and includes the gun pit, casemate and ammunition store, fire command post and telephone room	A,B,C,E,F	NZTM E1753388 N5427461 [estimated central point of gun pit]	Kau Point Battery Category I Historic Place, No. 7542	R27/168

3	Waiapu Road, Karori	Karori Gold-mining complex and Dam	Part Lot 66 DP 1871, Part Section 32, Karori District, Part Lot 1 DP 313319	The known and probable mines and features associated with the prospecting activities of the Golden Crown, Union, Baker's Hill and Morning Star companies and the Wellington Prospecting Association (1881) recorded as archaeological sites: R27/201, R27/713, R27/714, R27/715 and R27/716 (mine entrances, vent shafts, adits). This extent should include a 20m buffer around known features and be expanded to include other, as yet unidentified mining-related features if and when they are located.	A,B,C,E,F	1746597 N5427027	Not listed	R27/201 R27/713 R27/714 R27/715 R27/716
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HS3-Rec323: That submissions on the accuracy of SCHED4 are accepted/rejected as detailed in Appendix B.

HS3-Rec324: That general submissions on Notable Trees are accepted/rejected as per Appendix B.

HS3-Rec325: That definitions of ‘Root Protection Area’, ‘Technician Arborist’, ‘Tree’, ‘Trimming and Pruning’ and ‘Works Arborist’ be confirmed as notified.

HS3-Rec326: That submissions on definitions relating to Notable Trees are accepted/rejected as per Appendix B.

HS3-Rec327: That TREE-R2 is amended as detailed below and detailed in Appendix A:

TREE-R2	Activity and development within the root protection area of notable trees
All Zones	<p>2. <u>2.</u> Activity status: Restricted Discretionary</p> <p>Where:</p> <p>a. Compliance with any of the requirements of TREE-R2.1 cannot be achieved.</p> <p>Matters of discretion are:</p> <p>3. The matters in TREE-P5.</p> <p>4. <u>If the Notable Tree is a Kauri, measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil.</u></p> <p>Notification status: An application for resource consent made in respect of rule TREE-R2.2 is precluded from being either publicly or limited notified.</p>

HS3-Rec328: That TREE-S4 is amended as detailed below and detailed in Appendix A:

TREE-S4	Works in the root protection area
All Zones	<p>10. All works must be undertaken under the direction of a technician arborist;</p> <p>11. Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the root protection area at a depth of 1m or greater;</p> <p>12. The surface area of a single excavation must not exceed 1m²;</p> <p>13. Works involving root pruning must not be on roots greater than 35mm in diameter at severance;</p> <p>14. Works must not disturb more than 10 per cent of the root protection area;</p> <p>15. Any machines used must operate on top of paved surfaces and/or ground protection measures;</p> <p>16. Any machines used must be fitted with a straight blade bucket; and</p> <p>17. <u>Measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil must be included if the tree is a Kauri; and</u></p>

	18. Council is advised at least 10 working days prior to the work commencing.
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- HS3-Rec329:** That submissions on Kauri Dieback are accepted/rejected as per Appendix B.
- HS3-Rec330:** That TREE-O1 is confirmed as notified.
- HS3-Rec331:** That submissions on TREE-O1 are accepted/rejected as set out in Appendix B.
- HS3-Rec332:** That TREE-O2 is confirmed as notified.
- HS3-Rec333:** That submissions on TREE-O2 are accepted/rejected as set out in Appendix B.
- HS3-Rec334:** That TREE-O3 is confirmed as notified.
- HS3-Rec335:** That submissions on TREE-O3 are accepted/rejected as set out in Appendix B.
- HS3-Rec336:** That TREE-P1 is retained as notified.
- HS3-Rec337:** That submissions on TREE-P1 are accepted/rejected as set out in Appendix B.
- HS3-Rec338:** That TREE-P2 is confirmed as notified.
- HS3-Rec339:** That submissions on TREE-P2 are accepted/rejected as set out in Appendix B.
- HS3-Rec340:** That TREE-P3 is confirmed as notified.
- HS3-Rec341:** That submissions on TREE-P3 are accepted/rejected as set out in Appendix B.
- HS3-Rec342:** That TREE-P4 is confirmed as notified.
- HS3-Rec343:** That submissions on TREE-P4 are accepted/rejected as set out in Appendix B.
- HS3-Rec344:** That TREE-P5 is confirmed as notified.
- HS3-Rec345:** That submissions on TREE-P5 are accepted/rejected as set out in Appendix B.
- HS3-Rec346:** That TREE-P6 is confirmed as notified.
- HS3-Rec347:** That submissions on TREE-P6 are accepted/rejected as set out in Appendix B.
- HS3-Rec348:** Amend TREE-P7 (Destruction) to include reference to 'removal' as detailed in Appendix A.
- HS3-Rec349:** That submissions on TREE-P7 are accepted/rejected as set out in Appendix B.
- HS3-Rec350:** Amend TREE-R1 (Trimming and pruning of notable trees) to increase readability of rule as detailed in Appendix A.
- HS3-Rec351:** That submissions on TREE-R1 are accepted/rejected as set out in Appendix B.
- HS3-Rec352:** That TREE-R2 is amended to delete TREE-R2.1.b and TREE-R2.1.c with TREE-S4 being moved into a matter of discretion in the Restricted Discretionary step of the rule.
- HS3-Rec353:** That submissions on TREE-R2 are accepted/rejected as set out in Appendix B.
- HS3-Rec354:** That TREE-R3 is confirmed as notified.

HS3-Rec355: That submissions on TREE-R3 are accepted/rejected as set out in Appendix B.

HS3-Rec356: That TREE-R4 is confirmed as notified.

HS3-Rec357: That submissions on TREE-R4 are accepted/rejected as set out in Appendix B.

HS3-Rec358: That TREE-R5 is confirmed as notified.

HS3-Rec359: That submissions on TREE-R5 are accepted/rejected as set out in Appendix B.

HS3-Rec360: That TREE-S1 is confirmed as notified.

HS3-Rec361: That submissions on TREE-S1 are accepted/rejected as set out in Appendix B.

HS3-Rec362: That TREE-S2 is confirmed as notified.

HS3-Rec363: That submissions on TREE-S2 are accepted/rejected as set out in Appendix B.

HS3-Rec364: That TREE-S3 is confirmed as notified.

HS3-Rec365: That submissions on TREE-S3 are accepted/rejected as set out in Appendix B.

HS3-Rec366: TREE-S4 is amended as detailed below and in Appendix A.

HS3-Rec367: That TREE-S4 is either duplicated in the 'Infrastructure - other overlays' chapter or cross referenced for compliance in INF-OL-R61 and INF-OL-R62.

Works in the root protection area

10. All works must be undertaken under the direction of a [technician arborist](#);
11. Excavation must be undertaken **by one or a combination of the following methods:**
 - a. **directional drilling at a depth of 1m or greater; or**
 - b. **hand-digging, air excavation spade, or hydro excavation-vac or drilling machine, within the root protection area at a depth of 1m or greater;**
12. The surface area of a single excavation must not exceed 1m²;
13. Works involving root pruning must not be on roots greater than 35mm in diameter at severance;
14. Works must not disturb more than 10 per cent of the [root protection area](#);
15. Any machines used must operate on top of paved surfaces and/or ground protection measures;
16. Any **excavation** machines used must be fitted with a straight blade bucket; **and**
17. **Measures to minimise risk of spread of Kauri dieback disease including containment and disposal of soil must be included if the tree is a Kauri; and**
18. [Council](#) is advised at least 10 working days prior to the work commencing.

HS3-Rec368: That submissions on TREE-S4 are accepted/rejected as set out in Appendix B.

HS3-Rec369: Regarding the submission from Wellington City Council [266.202], it is recommended that SCHED6 is amended to be re-ordered alphabetically. This will help users navigate the schedule.

HS3-Rec370: That notable tree #21 at 127 Grafton Road be removed from Schedule 6.

HS3-Rec371: That general notable trees submissions are accepted/rejected as set out in Appendix B.

HS3-Rec372: That no changes are made in response to submissions in support or opposition of others.

HS3-Rec373: That general submissions on SASMs are accepted/rejected as set out in Appendix B.

HS3-Rec374: That the policies and rules can be amended to use the terminology ‘within the extent’ of a site or area of significance.

HS3-Rec375: That the Panel consider applying a five meter nominal width to ara and awa lines for the application of the chapter provisions if considered within scope.

HS3-Rec376: That Mr Murcott’s amendments to change the mapped extent of part of the Tiakiwai stream be accepted provided that this is endorsed by mana whenua.

HS3-Rec377: That submissions are accepted/rejected as set out in Appendix B.

HS3-Rec378: That the definition of “site or area of significance to māori” is confirmed as notified.

HS3-Rec379: That submissions are accepted/rejected as set out in Appendix B.

HS3-Rec380: That a new policy regarding identification of archaeological sites is not added.

HS3-Rec381: That submissions are accepted/rejected as set out in Appendix B.

HS3-Rec382: That SASM-O1 is confirmed as notified.

HS3-Rec383: That submissions on SASM-O1 are accepted/rejected as set out in Appendix B.

HS3-Rec384: That SASM-O2 is confirmed as notified.

HS3-Rec385: That submissions on SASM-O2 are accepted/rejected as set out in Appendix B.

HS3-Rec386: That SASM-O3 is amended as detailed below and set out in Appendix A.

Mana whenua are enabled to exercise kaitiakitanga in relation to sites and areas of significance, including by being active participants on resource consents which have the potential to affect sites and areas of significance, and promoting the narratives of sites within the development of the city.

HS3-Rec387: That submissions on SASM-O3 are accepted/rejected as set out in Appendix B.

HS3-Rec388: That SASM-P1 is confirmed as notified.

HS3-Rec389: That submissions on SASM-P1 are accepted/rejected as set out in Appendix B.

HS3-Rec390: That SASM-P2 be amended as detailed below and in Appendix A.

Maintenance and repair

Enable maintenance and repair activities on of sites and areas of significance to Māori on iwi or Council land where the spiritual, ~~and~~ cultural and environmental values of the site or area are protected.

HS3-Rec391: That submissions on SASM-P1 are accepted/rejected as set out in Appendix B.

HS3-Rec392: That SASM-P3 is retained as notified.

HS3-Rec393: That submissions on SASM-P3 are accepted/rejected as set out in Appendix B.

HS3-Rec394: That HH-P4 is retained as notified.

HS3-Rec395: That submissions on SASM-P4 are accepted/rejected as set out in Appendix B.

HS3-Rec396: That SASM-P5 is retained as notified.

HS3-Rec397: That submissions on SASM-P5 are accepted/rejected as set out in Appendix B.

HS3-Rec398: That SASM-P6 is retained as notified.

HS3-Rec399: That submissions on SASM-P6 are accepted/rejected as set out in Appendix B.

HS3-Rec400: That SASM-R1 be amended to apply only to iwi or Council land as detailed in Appendix A.

HS3-Rec401: That submissions on SASM-R1 are accepted/rejected as set out in Appendix B.

HS3-Rec402: That SASM-R2 be amended to apply only to iwi or Council land as detailed in Appendix A.

HS3-Rec403: That submissions on SASM-R2 are accepted/rejected as set out in Appendix B.

HS3-Rec404: That SASM-R3 be retained as notified.

HS3-Rec405: That submissions on SASM-R3 are accepted/rejected as set out in Appendix B.

HS3-Rec406: That SASM-R4 be amended to clarify the rule applies within the extent of the site, as detailed in Appendix A.

HS3-Rec407: That submissions on SASM-R4 are accepted/rejected as set out in Appendix B.

HS3-Rec408: That SASM-R5 be amended to clarify the rule applies within the extent of the site, as detailed in Appendix A.

HS3-Rec409: That submissions on SASM-R5 are accepted/rejected as set out in Appendix B.

HS3-Rec410: That SASM-R6 is retained as notified.

HS3-Rec411: That submissions on SASM-R6 are accepted/rejected as set out in Appendix B.

HS3-Rec412: Amend Schedule 7 to include the HNZPT List number and/or NZAA site record number where relevant.

HS3-Rec413: Amend Schedule 7 to alter the reference number of “Waitangi Awa” from 148 to 145. In addition, amend other reference numbers in Schedule 7 to match the listings within the mapping.

HS3-Rec414: That Item 157 (Pariwhero) is not renamed in SCHED7.

HS3-Rec415: That Mr Murcott’s amendments to change the mapped extent of part of the Tiakiwai stream be accepted provided that this is endorsed by mana whenua.