

**BEFORE THE INDEPENDENT HEARINGS PANEL AT WELLINGTON CITY | MUANGĀ  
KAIKŌMIHANA WHAKAWĀ MOTUHAKE NGĀMOTU**

**UNDER THE Resource Management Act 1991**

**IN THE MATTER OF the hearing of submissions on the Proposed Wellington City Plan**

**(Hearing Stream 9)**

**STATEMENT OF EVIDENCE OF MICHAEL KELLY ON BEHALF OF WELLINGTON  
HERITAGE PROFESSIONALS**

**Introduction**

1. This Statement of Evidence is given on behalf of Wellington Heritage Professionals in accordance with their submission on the Proposed Wellington City District Plan (PDP) dated 22 September 2022. The members of this group commissioned me to compile this statement for Hearing Stream 9 based on my relevant expertise.
2. My evidence addresses the submissions made by Wellington Heritage Professionals on two of the Infrastructure rules.

**Qualifications: Michael Kelly**

3. My full name is Michael Peter Kelly.
4. I am a historian and heritage consultant and I have been working in historic heritage for the majority of the past 40 years. I have been an independent consultant since 1997. Prior to that I worked for Heritage New Zealand Pouhere Taonga (HNZPT) and the Department of Conservation. Over my career I have undertaken a wide range of heritage-related work for many different organisations.
5. Of relevance to these hearings is my work in general heritage conservation practice, including heritage significance assessment, conservation planning, particularly in Wellington, for the Wellington City Council (WCC), HNZPT and Wellington Regional Council. The WCC work has included individual and heritage area listings, and reports on suburban centres and other heritage areas, prepared mostly in collaboration with other heritage practitioners. From 2019 to 2024 I was contracted on an as-needed basis by the WCC to undertake heritage impact assessments for resource consents.
6. Beyond my heritage work, I taught heritage conservation at Victoria University as part of the Museum and Heritage Studies Masters programme from 2007 to 2019. I was president of the Professional Historians' Association of New Zealand/Aotearoa (PHANZA) from 2018-2023.
7. Disclosures: Beyond my work for the WCC providing historic heritage advice on resource consents, I have been contracted to provide advice on a range of other matters in recent years, including the preparation of conservation plans, one-off listings and heritage assessments.

## **Code of Conduct**

8. I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2023. I complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my areas of expertise, being the areas identified above. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

## **Rules**

### *INF-OL-R63*

9. Wellington Heritage Professionals submitted that rule INF-OL-R63 be amended so that, within heritage areas and archaeological sites, above ground connections are a controlled activity.
10. The author of the s42A report, Tom Anderson, says that archaeological sites, being underground, will not be affected by this rule and that heritage areas 'include buildings which are not necessarily heritage listed'. It notes that connections to heritage buildings are already a controlled activity.
11. Firstly, I agree with Mr Anderson that archaeological sites will not be affected by this rule.
12. Secondly, making distinctions between heritage areas and heritage buildings understates the importance of heritage areas and misses the purpose of their listing as an important form of heritage identification and legal protection. Heritage areas have value both as a whole and for their components. I see no reason why they should not be subject to the same level of scrutiny as individual buildings.
13. We are trying to protect the area from activities that would undermine heritage values. Poorly managed infrastructure connections could clearly have a negative effect on the area if handled in a thoughtless fashion. In my view, the rule should be changed to 'controlled' for heritage areas, as submitted by Wellington Heritage Professionals.

### *INF-OL-R65*

14. Wellington Heritage Professionals submitted that the upgrading of infrastructure at heritage areas, archaeological sites and SASMs should also be given restricted discretionary status as these places have values that are at least as significant as heritage buildings and structures.
15. The Council says it does not consider it necessary to change the rule for the same reasons it opposes the submission on INF-OL-R62.
16. My view is that this is an important matter that needs much more scrutiny.

17. As noted above, the distinction being made between listed buildings and heritage areas is unjustified. The values of heritage areas are akin to individual buildings and the effects of poorly sited or out of scale infrastructure are potentially exactly the same, if not worse given how many more places might be affected.
18. The nature of infrastructure is changing. Amongst the most prominent forms of infrastructure in urban areas are those relating to telecommunications, most notably the poles or towers that carry equipment, including antennae.
19. Customer demand and advances in technology mean that these poles are not only getting bigger but they are carrying more equipment. Their appearance - metal poles festooned with antennae - is completely at odds with the scale and forms of heritage areas in Wellington. It would be difficult to find anything more antithetical. The pole installed adjacent to the Hataitai Heritage Area is just one recent example.
20. In the past, with simpler arrangements, it has been possible to hide antennae under shrouds, but this is happening less because - as I understand it - the equipment gets too hot. So we are seeing more visible antennae on larger poles. As a result, locating these structures very near or in heritage areas can significantly compromise heritage values.
21. The answer is to move the poles a safe distance from heritage areas. Many of these heritage areas may be small enough to achieve this, but doing this will require the council having the discretion to do so.

**Michael Kelly**

27 May 2023