

## SECTION 32 REPORT – PROPOSED PLAN CHANGE 43

### REVIEW OF THE HERITAGE CHAPTER

#### 1. Introduction

Section 32 of the Resource Management Act (RMA, or the Act) stipulates a requirement to consider alternatives and assess the benefits and costs of adopting any objective, policy, rule, or method in the District Plan. Under section 32(3) the assessment must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act: and*
- (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

The Plan Change seeks to implement the Built Heritage Policy adopted by Council in 2005 and to reflect the Resource Management Amendment Act 2003, which elevated the status of heritage protection to section 6 of the RMA.

A number of mechanisms are required to protect the city's built heritage. These include the provisions of the District Plan, the Council's Built Heritage Policy and the Council's financial incentives for the protection of heritage buildings.

A range of options were canvassed in the preparation of this Proposed Plan Change and this report has been prepared to address the requirements set out in section 32 of the RMA.

#### 2. Context

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for *their social, economic, and cultural wellbeing and for their health and safety*. The Act also contains an explicit function for Territorial Authorities to maintain and enhance amenity values and the quality of the environment. Local authorities are also required under section 6, *Matters of National Importance*, to recognise and provide for:

*The protection of historic heritage from inappropriate subdivision, use and development.*

In the definition section of the Act *historic heritage*:

- (a) *means those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, derived from any of the following qualities:*
  - (i) *archaeological:*
  - (ii) *architectural:*

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- (iii) *cultural:*
- (iv) *historic:*
- (v) *scientific:*
- (vi) *technological; and*

(b) *includes -*

- (i) *historic sites, structures, places, and areas; and*
- (ii) *archaeological sites; and*
- (iii) *sites of significance to Maori, including wahi tapu; and*
- (iv) *surroundings associated with the natural and physical resources:*

### 3. Policy Analysis & Consultation

The process which led to the development of this Plan Change was initiated in response to the Resource Management Amendment Act 2003, which elevated the status of heritage protection to section 6 of the Act. Following on from this the Council prepared a Draft Built Heritage Strategy setting out the intentions of the Council for the city's built heritage over the next 10 years. As part of this public consultation process all the building owners were notified as well as all interested groups. Following this, the Built Heritage Policy was adopted in June 2005. Key points revised in the Policy were the need to strengthen the Heritage Rules and the need to give better protection to groups of buildings in the inner city and suburban areas. Lastly, the Council has been involved in monitoring the level of development activity involving heritage buildings as part of its section 35 plan monitoring responsibilities. These pieces of work are summarised below to provide the reasoning for proposing this plan change. Details of other reports and meetings conducted are also listed for the record.

#### ***Built Heritage Policy – Adopted by Council 28 June 2005***

The Council's built heritage policy includes a number of objectives that, together, aim to achieve the vision that:

*Wellington is a creative and memorable city that celebrates its past through the recognition, protection, conservation and use of its built heritage for the benefit of the community and visitors, now and for future generations.*

One objective of the Policy is to protect the city's built heritage from adverse effects that may compromise the heritage values of a place, including physical deterioration and inappropriate subdivision, development and use. This is relevant to this plan change because one action identified in the Policy is to;

*extend the protection of heritage values to suburban areas through identifying more heritage areas and other mechanisms.*

#### ***District Plan Monitoring Programme – Effectiveness of the Plan Relating to Heritage***

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A Plan monitoring report covering the period June 2000 to December 2004, concluded overall that the District Plan was not achieving its aim of protecting heritage values over the four year period.

Seventy buildings were studied by external consultants to analyse how well the District Plan heritage rules protect heritage.

A study of resource consents granted for projects affecting built heritage for a sample of heritage buildings showed that there was a more than minor loss of heritage in one third of the projects approved. A number of recommendations were suggested as a result of those findings, including:

- ♦ Recognise heritage in broader terms by identifying and protecting the values that contribute to the building's significance, such as interiors and setting,
- ♦ Strengthen the heritage rules for signage and additions/alterations so that Council has the ability to decline consents when their effects are deemed unacceptable,
- ♦ Clarify the definitions in the Plan relating to the various activities so that there is no room for doubt as to their meaning,
- ♦ Add other buildings to the heritage list where these have been assessed as meeting the eligibility criteria, and
- ♦ Consider establishing new heritage areas to ensure the group values of buildings are not undermined by individual consents.

Many of these issues have been addressed in the proposed plan change.

### **4. Process & Consultation**

#### ***Key documents***

- Wellington City Council Draft Earthquake-Prone Building Policy 2006
- Wellington City Council Built Heritage Policy 2005
- District Plan Monitoring Programme – Effectiveness of the Plan relating to Heritage - June 2005

#### ***Key discussions/briefings***

- Report to Strategy and Policy Committee, 1 December 2005: Proposed District Plan Change – Heritage Provisions

#### ***Consultation, in accordance with the First Schedule of the RMA 1991***

- Ministry for the Environment
- Greater Wellington Regional Council
- Wellington Tenth Trust

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- Te Runanga O Toa Rangatira Inc
- Other TLA's (as appropriate)

### **Consultation, with property owners**

In January and February 2006 the Council consulted with the owners of all heritage items listed in the District Plan together with a range of special interested groups. A draft plan change was sent to all parties and 17 submissions were received as a result. Six submissions generally supported the proposals but requested various amendments or alterations. The other submissions covered a variety of issues but there was an emphasis on the question of costs and the related issues of earthquake strengthening.

All the submissions were carefully considered and the process resulted in a number of amendments and additions to draft provisions recommended for public notification. Of particular note were submissions on the issue of archaeological sites which had not been considered in earlier drafts. Provisions have been included as a direct result of the consultation exercise.

## **5. Appropriateness of Objectives**

### **Resource Management Act**

The purpose of the Resource Management Act 1991 (the Act) is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use and development of natural and physical resources to enable people to provide for their health and safety. With regard to the proposed plan change, the Act requires that Council have particular regard to:

*The protection of historic heritage from inappropriate subdivision, use and development (section 6(f))*

### **Wellington City District Plan**

Chapter 20 of the District Plan sets the objectives and policies for the use and development of Wellington's heritage areas, buildings, objects and trees. With regards to the Proposed Plan Change the following objectives and policies are relevant:

**Objective 20.2.1**      ***To recognise and protect the city's historic heritage.***

*Policy 20.2.1.1*      *Identify, record and list the city's significant historic heritage.*

*Policy 20.2.1.2*      *Protect listed buildings or objects from demolition or relocation and only allow demolition or relocation when there are no significant effects on heritage values and it can be demonstrated irrefutably that there is no sustainable use.*

*Policy 20.2.1.3*      *Promote the conservation and sustainable use of listed buildings or objects while ensuring that any modification*

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*avoids, remedies or mitigates, effects on heritage values and of the listed buildings or objects and where relevant:*

- *ensures that modifications to the main elevations are minimised, or if possible are unaltered;*
- *any modifications respect the scale of the building or object; and*
- *any modifications maintain the relationship of the building or object with its setting.*

*Policy 20.2.1.4 Protect the heritage values of listed buildings and objects by ensuring that the effects of subdivision and development on the same site as any listed building or object are avoided, remedied or mitigated.*

*Policy 20.2.1.5 Identify heritage areas to cover groups of buildings, structures, spaces and other features, which collectively have significant historic heritage value.*

*Policy 20.2.1.6 Protect buildings, structures, spaces and other features integral to the significance of a heritage area from demolition, destruction or relocation.*

*Policy 20.2.1.7 Ensure additions and alterations to existing buildings, any new buildings or subdivision within a heritage area, avoids, remedies, or mitigates the adverse effects on the heritage values of the heritage area.*

*Policy 20.2.1.8 Maintain and enhance the heritage values, qualities and character of listed heritage areas.*

*Policy 20.2.1.9 Ensure that signs on listed heritage buildings or objects (or sites on which they are located) or within heritage areas do not adversely affect heritage values and qualities and avoid unnecessary or inappropriate signage.*

*Policy 20.2.1.10 Protect listed trees from destruction or loss.*

*Policy 20.2.1.11 Avoid, remedy or mitigate the adverse effects of development on the archaeological values of any site.*

### **Analysis**

Objective 20.2.1 is a new objective. The 10 policies that sit under this objective are all new policies. They replace 3 more general policies in the Operative Plan.

Objective 20.2.2 concerning Maori heritage values and the 3 policies that sit under this objective remain unchanged and are not part of Proposed District Plan Change 34.

Section 32(a) requires the Council to examine *the extent to which each objective is the most appropriate way to achieve the purpose of this Act*. The new Objective 20.2.1 employs the term *historic heritage* used in the Act. It directs first the recognition of

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historic heritage values through the listing of buildings, objects, heritage areas and trees in the District Plan and then, through the mechanism of the associated policies and rules, that the Plan protect historic heritage qualities of the listed items.

It is considered that the approach employed in this new objective is the most appropriate way to achieve the purpose of the Act because the objective and policies gives full recognition to all parts of *historic heritage* as it is defined in the Act. Other approaches to the listing of heritage items may be possible. However the Council's work with the Built Heritage Policy and the Monitoring Programme support the decision that the approach favoured in the Proposed District Plan Change (combined with the Draft Earthquake-Prone Buildings Policy and proposed new financial incentives) is the most effective way to achieve the Council's responsibilities under the Act.

#### 4. Appropriateness of Policies, Rules and Other Methods

The second test under Section 32 is:

*whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Table 1 assesses the efficiency, effectiveness and appropriateness of the proposed plan change as a whole. Of the four options considered, the non-regulatory option is not considered to be appropriate. For it to work a combination of heritage advocacy and financial incentives would have to extremely well funded. Even with extensive resources there is no evidence that non-regulatory methods would be effective on their own as they rely on the willingness of property owners to forgo the development potential on their properties. The environmental, social and cultural costs of lost historic heritage could be considerable. It is noted that some advocacy is currently carried out in addition to the rules (eg. information for applicants, technical support, web based information and brochures). It is expected that this level of advocacy would remain alongside any revision of the rules.

Option 2, retaining the status quo, would not be an appropriate means to achieve the new heritage objective. The District Plan monitoring programme has demonstrated that the existing polices and rules are failing to prevent an on-going loss of heritage values. This coupled with changes to the Act indicates that there would be an environmental cost of lost heritage values and a social / cultural cost in people's experience of this loss. If the loss of historic heritage is great it may even equate to an economic cost to businesses and the population, due to changes in people's perceptions of what they like about the city, which would affect whether they visit and spend money in the city.

Option 4, a targeted and expansive policy and rule regime, is not recommended - not because it would not deliver good environmental or social / cultural outcomes for historic heritage in many ways but because it would not be effective and efficient in providing a balance between heritage protection and development. This could result in a significant economic cost in lost development opportunities that could have taken place without an adverse effect on historic heritage.

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Option 3, the Proposed District Plan Change is recommended because it is considered to be the most efficient and effective way to manage historic heritage, with the best outcome in terms of the costs and benefits at the environmental, social / cultural and economic levels.

Tables 2 to 5 address more detailed aspects of the proposed plan change and alternative options:

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**Table 1: The Efficiency, Effectiveness and Appropriateness of the Proposed Plan Change as a Whole**

Historic Heritage Protection				
	<b>OPTION 1: Non-regulatory methods</b>	<b>OPTION 2: Status quo</b>	<b>OPTION 3: Proposed plan change</b>	<b>OPTION 4: Targeted / detailed plan change</b>
	<p>Remove existing District Plan rules</p> <p>Advocacy to property owners on the importance of heritage</p> <p>Possible financial incentives</p>	<p>Maintain existing levels of regulation</p> <p>Do nothing to increase or decrease heritage protection through the District Plan</p>	<p>Notify a district plan change to strengthen existing objectives, policies and rules in the Heritage Chapter</p> <p>This option would be complemented by a number of financial and other incentives</p>	<p>Notify a district plan change that details historic heritage values on a site by site basis. The plan change would have a greater range of controls based on detailed information for each heritage item.</p>
<b>Appropriateness</b>	This option is <b>not recommended.</b>	This option is <b>not recommended.</b>	This option is <b>recommended.</b>	This option is <b>not recommended.</b>
<b>Effectiveness and efficiency in achieving District Plan objectives</b>	<p>No evidence that advocacy methods will be effective by themselves. It relies on the amenability and ability of property owners to compromise their development rights to protect what is valued by the wider community.</p> <p>A targeted campaign on this issue could cost over \$40000 in one year. Eg. citywide mail out to ratepayers can cost between \$20,000- \$30,000 depending on mail delivery service used.</p> <p>The cost of developing the material and perhaps obtaining a media profile on the issue will be additional.</p> <p>May be effective if financial incentives are significant and cover a wide range of situations.</p>	<p>District Plan monitoring indicates that the values associated with listed heritages items are being lost or degraded under the current provisions.</p> <p>Not consistent with RMA Amdt Act or Built Heritage Policy.</p>	<p>Strengthened rules will enable Council to decline poor applications that do not meet the objectives for conserving heritage qualities of buildings and other items</p> <p>Activities such as signs and additions to the top of buildings would be restricted compared with the existing situation where Council must grant consent because the application is a Controlled Activity.</p>	<p>A set of rules based on detailed information for each heritage item would be an effective way to address development proposals. It would however require considerable resources and time to amass all the necessary information. Delaying the plan change process until the information was collected would not be an efficient way to achieve the historic heritage objective of the Plan.</p> <p>Targeted site by site rules would also increase the likelihood of extensive litigation before provisions could be established in the District Plan. This would not be an effective or efficient way to achieve the historic heritage objective.</p>



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	Any resultant loss of heritage would be inconsistent with Section 6(f) of the RMA and Wellington City Council's Built Heritage Policy			
<b>ENVIRONMENTAL Costs</b>	Loss of historic heritage values where property owners are unresponsive to advocacy or financial incentives.	Further degradation to existing heritage buildings from inappropriate development.	No significant environmental costs	<p>Targeted rules based on detailed information could not be introduced for many months. The cost would be a continued loss of historic heritage under the present rule regime.</p> <p>Rules that were too detailed or too tough might discourage development proposals that are of a high architectural quality that successfully combine new forms and materials with existing heritage fabric.</p> <p>Rules that are perceived as discouraging change may lead to neglect of heritage buildings, objects and areas, leading to long term deterioration or loss (e.g. arson) of the historic heritage that the District Plan is trying to protect.</p>
<b>Benefits</b>	<p>Will raise general awareness of heritage protection and what is required to achieve it.</p> <p>With this knowledge, some landowners may be more sympathetic to heritage protection when redeveloping a property or doing additions and alterations.</p>	A level of protection of historic heritage is achieved.	<p>This option would be consistent with RMA Amendment Act and Council's Built Heritage Policy</p> <p>It would conserve the heritage qualities of the City, especially the CBD</p>	<p>This option would be consistent with RMA Amendment Act and Council's Built Heritage Policy</p> <p>This option would protect much of the existing historic heritage qualities of the City.</p>
<b>SOCIAL / CULTURAL Costs</b>	<p>Potential effect on individuals and social groups 'sense of place'.</p> <p>Potential loss of significant heritage buildings, areas or objects to present and future generations</p>	<p>Potential effect on individuals and social groups 'sense of place'.</p> <p>Potential loss of significant heritage buildings, areas or objects to present and future generations</p>	Heritage provision may stifle the creative expression of architects and property owners	Targeted and detail based heritage provision may stifle the creative expression of architects and property owners.

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<p><b>Benefits</b></p>	<p>Fewer constraints on owners of heritage buildings or other heritage items.</p>	<p>Fewer constraints on owners of heritage buildings or other heritage items.</p>	<p>Protecting heritage items contributes to vibrant urban environment</p> <p>Protecting heritage items contributes to the qualities to people's sense of place by providing recognisable and long lasting land marks</p>	<p>Targeted and details based protection of heritage qualities provide a strong heritage identity to areas of the city where heritage buildings predominate</p> <p>Individuals and social groups would identify with the strong heritage component in their sense of different places in the City</p>
<p><b>ECONOMIC</b></p> <p><b>Costs</b></p>	<p>Financial incentives subject to LTCCP changes.</p> <p>Potential loss of marketing opportunities for Wellington City if WCC policy results in a wholesale loss of heritage qualities</p>	<p>Loss of potential economic benefits to businesses and the city's population from the erosion of heritage character.</p> <p>Owners are potentially subject to additional costs when developing buildings for use/reuse.</p>	<p>Developer may need to invest greater upfront time to work with the Council to reach a proposal that is likely to be approved in the resource consent process. This could lead to development delays and holding or lost opportunity costs.</p>	<p>Rules that are perceived as discouraging change could significantly reduce the property value of sites that feature listed heritage.</p>
<p><b>Benefits</b></p>	<p>Lower resource consent application costs to property owners (still likely to need resource consent for other aspects of a project, especially in the Central Area of the City).</p>	<p>Controlled activity consents give a degree of certainty to the property owner (consent must be granted although the consent may be subject to conditions)</p>	<p>Strong rules for the addition and alteration of buildings and objects require property owners or occupiers interested in developing their businesses properties to reflect the character of the area in which they are located.</p>	<p>Strong heritage provisions provide certainty to property owners or occupiers interested in developing their businesses or properties in ways that reflect the character of the area in which they are located.</p>

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**Table 2: Issues and Options –**

Scale of changes to Heritage Buildings and Objects			
	<b>OPTION 1: Status quo</b>	<b>OPTION 2: Proposed plan change</b>	<b>OPTION 3: Plan change with higher rule thresholds</b>
	<p>Maintain existing policies and rules that:</p> <ul style="list-style-type: none"> <li>• permit repairs and maintenance</li> <li>• provide for additions and alterations as a Controlled Activity (which may include demolition of significant portions of a heritage item)</li> <li>• demolition of a heritage item as a Discretionary Unrestricted Activity</li> </ul>	<p>The district plan would:</p> <ul style="list-style-type: none"> <li>• permit repairs and maintenance</li> <li>• remove additions and alterations as a Controlled Activity to be replaced with:                             <ul style="list-style-type: none"> <li>• small scale modifications to buildings and objects are Discretionary Restricted</li> <li>• other modifications are Discretionary Unrestricted</li> </ul> </li> <li>• demolition of a heritage building or object remains Discretionary Unrestricted but removes any argument that partial demolition is a form of additions and alterations</li> </ul>	<p>Notify a district plan change to introduce very restrictive rules into the Heritage Chapter. For example, additions to the top of buildings could be a Discretionary (Unrestricted) for a single storey or Non-complying Activity for anything larger.</p> <p>Partial or full demolition of a heritage building or object would be a Non-complying Activity.</p>
<b>Appropriateness</b>	This option is <b>not recommended</b> .	This option is <b>recommended</b> .	This option is <b>not recommended</b> .
<b>Effectiveness and efficiency in achieving District Plan objectives</b>	<p>Council can impose a limited range of conditions on a Controlled Activity but the resource consent must be granted. Council cannot therefore prevent unsympathetic changes to buildings or prevent large additions to the top of buildings.</p> <p>District Plan monitoring indicates that existing rules are not achieving the present heritage objectives of the plan in regard to additions and alterations to buildings and objects.</p>	<p>Strengthened rules will enable Council to decline poor applications that do not meet the objectives for conserving heritage qualities of buildings.</p> <p>More minor changes that don't involve the main elevation or a large addition to the top of a building can be assessed on a non-notified basis.</p> <p>Proposal for major changes can be notified for public input.</p>	<p>High rule thresholds would discourage many changes to heritage buildings. For example, additions to the top of buildings would be mainly limited to a single storey and resource consents for higher additions would be rare.</p> <p>Making an activity a Non-complying Activity would not be an efficient or effective mechanism. It would be extremely difficult for a proposal to achieve one or other of the two tests for a Non-complying Activity under the Resource Management Act. In reality a Non-complying Activity would be a Prohibited Activity.</p>

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			High rule thresholds would increase the likelihood of extensive litigation before provisions could be established in the District Plan. This would not be an effective or efficient way to achieve the historic heritage objective.
<b>Costs</b>	Further degradation to existing heritage buildings from inappropriate alterations or inappropriate additions.	<p>A larger number of applications may be publicly notified.</p> <p>There may be higher costs of achieving compliance with the Plan in some cases.</p>	<p>Sites with heritage buildings may lose their monetary value in relation to sites without heritage buildings. This may discourage maintenance and repair of the heritage buildings. It may also discourage earthquake strengthening work, leading ultimately to the building being declared unsafe and having to be demolished.</p> <p>High rule thresholds may discourage additions and alterations to heritage buildings that are of a high architectural quality which successfully combine new forms and materials with existing heritage fabric.</p>
<b>Benefits</b>	Continued certainty for building owners and developers that their resource consent application will be granted - they will be able to alter their building to meet a market need and they will be able to add additions to capitalise on the airspace above the heritage building.	<p>Additions to the top of buildings would be approved or declined on their heritage qualities, compared with the existing situation where Council must grant consent for a Controlled Activity.</p> <p>Strong rules for the addition and alteration of buildings and objects require property owners or occupiers interested in developing their businesses properties to reflect the character of the area in which they are located.</p>	<p>High rule thresholds would be consistent with Council's Built Heritage Policy.</p> <p>Wellington would retain most heritage buildings and objects in their existing form.</p> <p>Strong rules for the addition and alteration of buildings or objects provide certainty to property owners or occupiers interested in developing their properties in ways that reflect the character of the area in which they are located.</p>

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**Table 3: Issues and Options –**

Sites and surroundings of Heritage Buildings, Objects and Heritage Areas			
	<p><b>OPTION 1: Status quo</b></p> <p>Maintain existing policies and rules that:</p> <p><u>Buildings and objects</u></p> <ul style="list-style-type: none"> <li>do not address the site and surroundings of buildings or objects</li> </ul> <p><u>Heritage areas</u></p> <ul style="list-style-type: none"> <li>does not address new buildings and structures in heritage areas</li> <li>has a demolition rule that is difficult to interpret</li> <li>are not clear about which buildings and structures contribute to the heritage area</li> </ul>	<p><b>OPTION 2: Proposed plan change</b></p> <p>Proposed policies and rules that:</p> <p><u>Buildings and objects</u></p> <ul style="list-style-type: none"> <li>address the construction of non-heritage buildings and structures, or additions to non-heritage buildings and structures on the site of a building or object (Discretionary Restricted)</li> <li>assess the effect of subdivision of the site of a listed building or object (Discretionary Unrestricted)</li> </ul> <p><u>Heritage areas</u></p> <ul style="list-style-type: none"> <li>permit repairs and maintenance to buildings, structures and land in a heritage area (Permitted Activity)</li> <li>address the construction of new buildings and structures, or modifications to existing buildings and structures in a heritage area (Discretionary Restricted)</li> <li>assess the effects of earthworks in a heritage area (Discretionary Unrestricted)</li> <li>address the demolition or relocation of buildings and structures that are identified as contributing to a heritage area (Discretionary Unrestricted)</li> </ul>	<p><b>OPTION 3: Targeted rules / expansive rules</b></p> <p>Notify a plan change that is based on an evaluation of the site and surroundings of each listed heritage building and structure and each heritage area.</p> <p>Rules would apply to the surroundings of the site of the heritage building or object and the boundaries of the heritage area. In other words, rules could require resource consent for such thing as the size, location and design of buildings on other sites, the size and location of signs on other sites etc.</p>
<b>Appropriateness</b>	This option is <b>not recommended.</b>	This option is <b>recommended.</b>	This option is <b>not recommended.</b>

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<p><b>Effectiveness and efficiency in achieving District Plan objectives</b></p>	<p>District Plan Monitoring indicates that existing rules are not achieving the present heritage objectives of the Plan.</p>	<p>The relevant (proposed) objective is:</p> <p><i>To recognise and protect the city's historic heritage.</i></p> <p>Implicit in this objective, and reflected in one of the policies under the objective, is the concept of managing use or subdivision a site or heritage area to protect the heritage values of heritage buildings, objects or areas.</p> <p>The protection of the setting of a heritage item is limited to the boundary of the site or the boundary of the heritage area.</p>	<p>A set of rules based on detailed information for the site of each heritage item would be an effective way to address development proposals. It would however require considerable resources and time to amass all the necessary information. Delaying the plan change process until the information was collected would not be an efficient way to achieve the historic heritage objective of the Plan.</p> <p>Targeted site by site rules would also increase the likelihood of extensive litigation before provisions could be established in the District Plan. This would not be an effective or efficient way to achieve the historic heritage objective.</p> <p>Depending on their nature targeted / expansive rules could discourage both the use and subdivision of sites of heritage buildings or objects, or in heritage areas to the extent that activities that did not affect heritage would not occur. They could also discourage the use of other sites in the area surrounding the heritage site or heritage area. The District Plan would therefore fail as an effective and efficient means of balancing the effects on heritage with the use and development of land.</p>
<p><b>Costs</b></p>	<p>Further loss of heritage qualities from development of the sites of heritage buildings and objects, and the development of heritage areas.</p> <p>Retaining the existing rules would be inconsistent with Council's Built Heritage Policy.</p>	<p>As rules for the sites of heritage buildings, objects and areas are new; more activities will require resource consent applications.</p> <p>Property owners, architects and consultants will have become familiar with new rules.</p>	<p>Partially developed sites with heritage buildings could lose their monetary value in relation to sites without heritage buildings. This may discourage maintenance and repair of the heritage buildings. It may also discourage earthquake strengthening work, leading ultimately to the building being declared unsafe and having to be demolished.</p> <p>Any rules that restrict development on sites surrounding a heritage item or surrounding a heritage area would affect the development potential of those sites and in turn could affect the value of the site.</p>
<p><b>Benefits</b></p>	<p>Keeping the existing rules would benefit property owners, architects and consultants who are familiar with them.</p>	<p>The proposed rules are consistent with the changes to the Resource Management Act and Council's Built Heritage Policy.</p> <p>The new rules will ensure greater conservation of heritage values.</p>	<p>Wellington would generally retain heritage buildings, objects and heritage areas in their existing settings (this of course assumes that the current setting enhances the heritage qualities of the building, object or heritage area).</p>

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**Table 4: Issues and Options –**

Protection of Archaeological Values			
	<b>OPTION 1: Status quo</b>	<b>OPTION 2: Proposed plan change</b>	<b>OPTION 3: Targeted rules</b>
	Maintain existing policies and rules that do not address archaeological values in any way.	<p>Introduce a new policy concerning archaeological values.</p> <p>New rules that address archaeological values through assessment criteria for Discretionary Activities that are triggered by other heritage issues</p>	<p>List or otherwise identify archaeological values of individual sites in the District Plan and require resource consent for any activity that affects those archaeological values.</p> <p>An alternative possibility is a rule that applied to any site on the register of another organisation i.e. the New Zealand Historic Places Trust or NZ Archaeological Association.</p>
<b>Appropriateness</b>	This option is <b>not recommended</b> .	This option is <b>recommended</b> .	This option is <b>not recommended</b> .
<b>Effectiveness and efficiency in achieving District Plan objectives</b>	<p>A lack of provisions for archaeological values would not achieve the District Plan objective:</p> <p><i>To recognise and protect the city's historic heritage.</i></p> <p>The newly introduced section 6(f) of the RMA and the new definition of <i>historic heritage</i> requires consent authorities to address the issue of archaeological values.</p>	<p>The new provisions would meet the District Plan objective:</p> <p><i>To recognise and protect the city's historic heritage.</i></p> <p>It would be consistent with section 6(f) of the RMA and the new definition of <i>historic heritage</i>.</p>	<p>Listing of individual archaeological sites would be an effective and efficient way of achieving the District Plan objectives for those sites that have been identified.</p> <p>A set of rules based on good information for the site of each heritage item would be an effective way to address development proposals. It would however require considerable resources and time to amass all the necessary information. Delaying the plan change process until the information was collected would not be an efficient way to achieve the historic heritage objective of the Plan.</p> <p>The alternative approach of a rule that applied to any site on the register of another organisation may not be an effective or efficient means of achieving the heritage objective. The information on these registers is of varying quality and in some cases may not accurately identify the site (sites that are not otherwise heritage sites would be listed) or provide inadequate to allow assessment of an application.</p>

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<p><b>Costs</b></p>	<p>No provisions would result in further degradation of archaeological values on sites.</p>	<p>The new provisions are a starting point for the protection of archaeological values. The location of individual archaeological sites in the city is not generally known (although some sites are recorded under the existing Maori Sites in the Plan). There is therefore a risk that some archaeological sites will not be protected by the Plan.</p>	<p>The archaeological values of any site that has not been identified and not listed would not be protected by the Plan.</p> <p>Reliance on the register of another organisation means possibly relying on information of variable quality. The need to address archaeological values could be costly for property owners and may not be justified where information is sketchy.</p>
<p><b>Benefits</b></p>	<p>The 'do nothing' option means that property owners or developers will not have to address this issue in preparing a resource consent application (they would still have an obligation to seek the necessary approvals from the NZHPT under the Historic Places Act).</p>	<p>The new provisions will allow assessment of the effect on archaeological values where a resource consent application is required for some other aspect of heritage e.g. additions and alterations to buildings or work in a Heritage Area.</p>	<p>The need to seek resource consent where an archaeological site is listed or referred means that it would be possible to assess the archaeological values of a site when application is not otherwise needed for other heritage issues.</p>



## Appendix 3

**Table 5: Issues and Options –**

	<b>Signs</b>		
	<b>OPTION 1: Status quo</b>	<b>OPTION 2: Proposed plan change</b>	<b>OPTION 3: Blanket rules</b>
	Maintain existing Permitted and Controlled Activity rules for signs on heritage items.	Signs larger than 0.5m <sup>2</sup> have been elevated from a Controlled Activity to a Discretionary Activity (Restricted) status (the existing rule for signs on Maori Sites has however been retained).  The assessment criteria for considering applications have been refined.	Signs of any size on heritage buildings, objects and in heritage areas would require resource consent. Stringent assessment criteria would discourage all but the most essential signs.
<b>Appropriateness</b>	This option is <b>not recommended</b> .	This option is <b>recommended</b> .	This option is <b>not recommended</b> .
<b>Effectiveness and efficiency in achieving District Plan objectives</b>	A review of existing signs on heritage items indicates that the existing rules are not working to protect the historic heritage values of heritage buildings, objects or areas.	The Discretionary Activity status and new assessment criteria gives greater scope to achieve the District Plan objective of protecting historic heritage.	Tough rules would discourage signs on heritage buildings, objects and areas. The District Plan would be effective in achieving the heritage objective.  The District Plan would not be effective in its wider objectives of balancing appropriate development (signs) with protection of the environment (historic heritage).
<b>Costs</b>	Further loss of historic heritage qualities from the placement of inappropriate signs.	No cost to the environment. Inappropriate applications can be declined, which would be a cost to the applicant in monetary terms and in terms of certainty.	Tough rules may discourage signs on heritage buildings, objects or in heritage areas. Businesses would not identify themselves and their customers may have trouble locating them.  Tough rules may actually work against the historic heritage qualities of a commercial building by discouraging signs where signs were originally an integral part of the design of the building e.g. a business sign along a verandah frontage.

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<b>Benefits</b>	Continued certainty for building owners and developers that their resource consent application will be granted as Controlled Activities (Council cannot decline Controlled Activities only impose conditions on the consent)	Signs would be approved or declined on their effect on historic heritage, compared with the existing situation where Council must grant consent for a Controlled Activity.	Society would keep heritage buildings, objects and heritage areas largely free of signs.  Strong sign rules would provide certainty to property owners or occupiers interested in developing their properties in ways that reflect the character of the area in which they are located.
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# Appendix 3

## ***Further Work***

Further work is proposed to strengthen the historic heritage provisions:

### Additional listings

Work is underway to identify and document further buildings and objects to be added to the Heritage List of heritage buildings and heritage objects. Of particular note is the possible inclusion of mid Twentieth Century buildings.

Further work will be undertaken to collect and assess information with the objective of listing archaeological sites.

Additions to the Heritage List will be publicly notified as a separate plan change.

### Heritage areas

Further work is proposed to clarify the building and structures that contribute to the heritage qualities of existing Heritage Areas. The proposed rules in Proposed Plan Change 43 provide for the concept of *contributing* buildings and structures and further work would capitalise on this introduction to the rules.

An example of how contributing buildings would be identified, and how the rule would work, is provided by the railway settlement centred on Tarikaka Street, Ngaio.

The houses for railway employees were constructed in the 1920's and 1930's. Since that time, additions have been made to some of the houses and some of the properties have been subdivided with new houses built on the lots. A further complication is that an authentic railway cottage has been relocated onto one of the site from outside the heritage area.

The aim of the further work will be to decide which of the additions and new buildings are valuable to the heritage character and which of the additions and new buildings could be removed without detracting from the heritage character. The rule structure would allow the non-contributing buildings or structures to be demolished or relocated away from the heritage area as a Permitted Activity.

### Central Area Rules

An approach is being considered, under the current review of the Central Area rules, to provide heritage areas that include a mix of listed heritage buildings and other buildings of varying ages. The heritage area rules would provide for additions and alterations, or for the replacement of the non-heritage buildings, in a manner that maintains the qualities of the area. As these qualities are determined by the listed heritage and associated older buildings, the rules will work to maintain the character of the whole collection of buildings. In doing this the rule will achieve the objective of protecting the surroundings of individual heritage buildings in manner that is consistent with the definition of historic heritage in the Act.

## ***Summary***

## 5.0 Recommended Proposed Plan Change

Option 3 (Table 1) is the recommended option for the following reasons:

- the proposed plan change will make the District Plan consistent with amendments to the Resource Management Act, which made historic heritage a matter of national importance and provided a comprehensive definition of *historic heritage*.
- the proposed plan change will ensure that the District Plan is effective in achieving the Built Heritage Policy.
- strengthened rules will enable the Council to assess applications at a level that is appropriate to the scale of the activity. For example, relatively minor additions or alterations to heritage buildings or objects would be a Discretionary Restricted Activity and would be assessed on a non-notified basis. Larger changes to buildings or objects such as changes to the main elevation of a building or a multi-storied addition to the top of the building would be a Discretionary Unrestricted Activity and may require public notification.
- strengthened rules that require application as a Discretionary Activity will enable the Council to decline poor applications.
- the proposed plan change would provide a mechanism for assessing the effect of non-heritage construction on the site of a listed heritage item or within a heritage area. It is recognised that the proposed rules would not protect the setting of a heritage item beyond its site but other mechanisms to address these surroundings are being explored as part of the Central Area review.
- the proposed plan change provides a starting point for assessing the archaeological values of sites by introducing a policy and rule structure that allows assessment where an activity requires consent for other aspects of heritage. Further work will be required to collect appropriate information on archaeological sites that may be used to list archaeological sites in their own right in the same way as heritage buildings, objects or trees.
- strengthened rules on signs will ensure that signs on heritage items are appropriately placed and restricted to those necessary to identify the use and occupants of the site.