
REPORT 1
(1215/52/IM)

PROPOSED DISTRICT PLAN CHANGE 53 – PROPOSED ADDITIONS TO LISTED HERITAGE BUILDINGS AND OBJECTS

1. Purpose of Report

To seek approval from the Committee to notify proposed District Plan Change 53.

Plan Change 53 proposes the addition of 51 buildings and objects to the District Plan Heritage Inventory List.

2. Recommendations

It is recommended that the Committee:

1. *Receive the information.*
2. *Agree to publicly notify the buildings and objects identified in Appendix One of this report for listing, in accordance with the First Schedule of the Resource Management Act 1991.*
3. *Agree to defer and further negotiate the 22 buildings identified in Appendix Two of this report.*
4. *Agree to implement the Council resolution made 29 April 2002 that stated following Variation 22 becoming operative a District Plan change would be initiated to include the Herd Street Post and Telegraph Building in the Schedule of Listed Heritage Items.*
5. *Agree to change the wording that appears in Chapter 21 – Heritage List: Areas Symbol Reference 6 from Fort Gordon, Point Gordon Map 7 to Fort Balance, Fort Balance Road, Miramar Map 13 and to include a notation on map 13 as identified in Appendix Five of this report.*
6. *Agree that the clubhouse building 1943 – renovated 1987, the Coene sheds, the slipway and the old clubhouse abutting the Freyberg pool be included as items within the Clyde Quay Boat Harbour Heritage Area.*
7. *Agree that the requests of the owners of the houses of 12 Abbott Street (Symbol Reference 378 Map 21) and 80 Simla Crescent (Symbol Reference 327 Map 21) to de-list their properties not be accepted and the properties remain listed in the District Plan.*

8. *Agree that 40 Cuba Street, former MED Capital Power Building (Symbol Reference 72/2 Map 16) be removed from Chapter 21 – Heritage List: Buildings.*
9. *Delegate to the Portfolio Leader for Urban Development the authority to approve minor editorial word changes and specific wording to give effect to the consequential changes identified in Appendix One prior to notification.*
10. *Adopt the Section 32 Report set out in Appendix Six to this report.*

3. Executive Summary

Plan Change 53 proposes the addition of 51 buildings and objects to the District Plan Heritage Inventory List.

In 2005 the Council completed its heritage review and adopted the Built Heritage Policy which, among other things, recommended greater statutory protection for the City's built heritage through changes to the District Plan heritage provisions. This Policy reflects changes made to the Resource Management Act in 2003 which now requires that Council recognises and provides for the protection of historic heritage as a matter of national importance.

The first phase of this heritage work has been the notification of Plan Change 43 (4 May 2006) that aims to strengthen the District Plan rules. The second phase of this work proposes to the addition of further buildings and objects to the list.

In total, 73 buildings and objects of heritage value have been identified and researched. These items cover a wide variety of styles and periods of built heritage and include both Council owned and privately owned items. In addition to this, 4 items already listed in the District Plan have also been reassessed for their heritage value.

A consultation letter was sent to the property owners advising them that their building or object had been identified as having heritage value that was worthy of listing on the District Plan.

The Council received a variety of response letters including letters of support. However, the majority of the letters received raised objection to the proposed listing mainly to do with the restrictions that the proposed listing may place on their property and that the owners did not believe that their buildings had heritage value.

The Council has had to consider what to do with the proposed listings that have been challenged i.e. proceed to list all items proposed, or allow further consideration and dialogue on those challenged.

Listing all the items would meet the intent of protecting items of heritage merit, but would inevitably trigger a large number of submissions in opposition. Vigorous challenge can't be avoided in all cases but there are a number of proposed buildings identified whereby the Council may have a more positive outcome if it has more time for consultation and negotiation with owners in an endeavour to achieve a more amicable resolution. Final analysis of some buildings may still be against the wishes of owners but further engagement at this stage is considered to be worthwhile.

For these reasons, 22 items have been deferred at this stage to allow for further consultation and negotiation.

4. Background

When the District Plan was notified in 1994 a significant advance was made in respect of the measures to protect and conserve the heritage of Wellington City. For the first time a comprehensive approach involving financial incentives and advice was adopted, along with enhanced regulatory measures.

The current heritage items contained in the District Plan represents heritage buildings, items, objects and areas for protection. The use of specific objectives, policies and rules ensures that the retention and conservation of these listed items are maintained.

4.1 Resource Management Act amendments

In 2003 an amendment to the Resource Management Act 1991 (RMA) provided stronger recognition for the protection of heritage. The protection of historic heritage was elevated to a matter of national importance under section 6, from section 7 where the 'recognition and protection of the heritage values of sites, buildings, places or areas' was a matter that persons exercising functions and powers under the Act 'shall have particular regard to'. Section 6(f) specifically requires the Council to recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. Historic heritage is defined to include a wide range of qualities including architectural, cultural, historic, scientific and technological.

4.2 Built Heritage Policy

Partly in response to this legislative change and also as a result of the Council's desire to provide greater heritage protection, a review was undertaken of the Council's heritage policy. After an extensive consultation process the new Built Heritage Policy was adopted in June 2005. One of the key initiatives in the policy is to provide greater statutory protection for the City's built heritage as well as the creation of more heritage items in the District Plan. The Policy recommends a range of actions including:

- 1. Recognise those places with significant heritage value through listing in the District Plan, either individually or as part of a heritage area*
- 2. Update the objectives and policies in the Heritage Chapters in the District Plan that pertain to the built heritage to ensure they deliver on this policy and meet the requirements of section 6(f) of The Resource Management Act 1991.*
- 3. Undertake a District Plan Change to amend the heritage rules in the District Plan so that additions and alterations to a listed heritage item would become a discretionary activity and the demolition of a listed heritage item a non-complying activity.*
- 4. Re-examine other rules in the District plan to ensure they take into account the heritage value of listed items and the heritage significance of areas*
- 5. Extend the protection of heritage values to suburban areas through identifying more heritage areas and other mechanisms.*

Proposed District Plan Change 43 (notified 4 May 2006) has addressed actions 2, 3 and 4. This plan change forms the second phase of this work and addresses action 1 of the policy. This plan change proposes to add a further 51 building and objects to the list. Action 5 is to be considered as part of future on going reviews to identify other items of heritage value worthy of District Plan listing.

4.3 Plan Change 43 – Heritage Provisions

In response to the Built Heritage Policy, District Plan Change 43 has proposed revised heritage provisions that strengthen the regulatory controls for the protection of the City's historic heritage.

The key components of the plan change are:

- Redrafted objectives and policies to emphasise the protection of historic heritage in accordance with section 6(f) of the Resource Management Act 1991 and the direction of the Council's Built Heritage Policy.
- Removal of Controlled Activity provisions, and additions and alterations to listed heritage buildings made a Discretionary Activity (Restricted or Unrestricted, depending on the extent of the modifications to the building).
- Demolition or relocation of listed buildings or objects made a Discretionary Activity (Unrestricted).
- New rules controlling the development of non-listed buildings and/or subdivision on the site of a listed heritage building or object to protect the setting of the listed item.
- Enhanced heritage area provisions including control of the demolition or relocation of identified contributing buildings or structures within a heritage area, subdivision and earthworks.
- New Chapter 3 provisions outlining the information to be supplied with resource consent applications for work affecting listed heritage items.

Submissions for Plan Change 43 closed 6 November 2006. Council officers are in the process of preparing a summary of submissions which is anticipated to be publicly notified in early 2007.

5. Discussion

5.1 Identification of buildings and objects for listing

All of the 73 new buildings and objects have been assessed using a thematic framework that has been devised to ensure that Wellington's historic heritage qualities are recognised.

The proposed buildings and objects include a variety of commercial and residential buildings which reflect the historic development of the city, and have been brought to the Councils attention and identified through various reviews and studies. A full list of the proposed buildings and objects for listing is contained in Appendix One of this report.

Many of the commercial buildings on the proposed list were identified through the Non-Residential Inventory Review in 2001. This review was a major project started in 1998 as a result of the District Plan Hearing process. As part of this project, consultants were commissioned to identify additional places that were not already included in the District

Plan. Using a thematic framework, a number of buildings were identified and then researched. The end result was an inventory and review that included places already listed in the District Plan as well as new ones. This was published in 2001.

Many of the residential buildings were identified in the 1999 Residential Inventory Review. At that time an audit was undertaken of the buildings already listed in the 1995 Heritage Inventory as well as the possible addition of further buildings. The buildings that were identified at that time that are now nominated as part of this Plan Change have been reassessed for their heritage value to ensure that they still warrant listing.

With reference to the residential buildings located along Oriental Parade, these buildings were identified as part of preparation of the Oriental Parade Design Guidelines in 2003. At that time an issue arose as to the identification and possible protection mechanisms for buildings on Oriental Parade that may have heritage value but have not been listed in the District Plan. The District Plan and Reserves Management Subcommittee (1 August 2003) directed staff to investigate the potential for additional buildings along Oriental Parade to be listed as heritage items in the District Plan. These findings were later presented to the District Plan and Reserves Management Subcommittee (30 June 2004) with the Subcommittee endorsing further research into the possibility of listing 110, 154, 186, 214, 234, 240, 274, 280, 298 and 320 Oriental Parade in the District Plan.

Other buildings have been identified as part of the Central Area Review (Plan Change 48), Parks Management Review of Properties and individual nominations from community groups and conservation specialists.

In August 2005, Conservation Architect Russell Murray and Research Historian Kerryn Pollock were commissioned to assess the identified buildings and objects. The consultants researched the historic background of the properties, visited the properties, completed an architectural description, assessed the eligibility for listing and described the settings or surroundings. The resultant research was compiled into individual profiles for each building. The profiles are contained in Appendix Four of this report.

5.2 Consultation and feedback

On 31 October 2006 a letter was sent to the building and object owners advising them that their building or object had been identified as having heritage value that was worthy of listing on the District Plan. The letter contained the building profile as well as an aerial photo locating their property. The main purpose of the letter was to give the owners the opportunity to consider the proposed listing of their property prior to the plan change being considered by the Strategy & Policy Committee.

The Council received 2 letters of support as well as 22 letters or telephone calls of opposition. The objection letters covered a variety of issues mainly to do with the restrictions that the proposed listing may place on property and that the owners did not believe that their buildings had heritage value.

5.3 Decision making on listing

Arising from the various correspondence received from the building owners, Council officers have had to consider what to do with the proposed listings that have been questioned.

The following guidelines were used in deciding on which items to recommend for listing:

- Council is committed to the protection of items of heritage value, in particular items that may have a high risk of loss.
- Council also has a strong preference to list items of heritage value with the support of the property owners.
- Precedent has demonstrated that engaging with owners outside of the Plan Change process can often provide positive outcomes for all parties.

On this basis, 22 items have been deferred at this stage as it is considered that the risk of anything adversely affecting the heritage values of these buildings is manageable. These deferred items are contained in Appendix Two of this report.

Appendix One identifies the 51 proposed items for listing. Specifically, many of the items relate to buildings where no response was received or where the listing is supported. It is possible that where no response has been received owners may still challenge further into the process. In addition to this, 2 items have been recommended for listing against the wishes of their owners. These buildings are the Cook Islands High Commission, 56 Mulgrave Street and the Former Primitive Methodist Church, 22 Donald McLean Street. It is considered that these buildings are of very high significance and that the potential risk of losing these buildings warrants their immediate protection.

6. Further Issues

6.1 Re-assessment of already listed items in the District Plan

In addition to the proposed 51 buildings for listing, 3 buildings that are already listed in the District Plan have been reassessed for their heritage significance.

The owners of 12 Abbott Street and 80 Simla Crescent would like to see their buildings delisted and have both been in correspondence with the Council for many years expressing their opposition to their buildings being listed in the District Plan. The table below summarises the concerns raised as part of this plan change process:

12 Abbott Street

- The building was designed by Chapman Taylor in 1941. The 1973 tower extension designed by Roger Walker is inappropriate for listing. It is difficult to imagine the two architects further apart in philosophy and design.
- The Roger Walker tower extension is difficult to maintain and the owners may consider removing it.
- Why include the Roger Walker garden shed in the rear of the property?
- The house is a hybrid. From the street it appears Chapman-Taylor but in reality it is a small percentage. The building has been thoroughly modernised throughout.
- There must be better Chapman-Taylor examples in the area.

80 Simla Crescent

- Loss of value.
- Infringement of property rights

With reference to 12 Abbott Street, the Conservation Architect has noted that the house is of sufficient heritage significance to merit its continued listing on the District Plan. He notes that the listing should extend across the legal boundaries of the site and protect the house and the Roger Walker tower and porch addition. The garage and the awkward dormer and extended roof arrangement can safely be excluded from the listing to encourage appropriate future change in these areas.

With reference to 80 Simla Crescent, the Conservation Architect has noted that as the exterior form of the original house can still be readily distinguished and the internal plan is little altered, this house retains sufficient heritage significance to merit listing on the District Plan. The listing should extend over the legal boundaries of the site, but can safely and reasonably exclude the 1983 work from protection.

Arsing from discussions on heritage areas under Plan Change 48 (Central Area Review), the listed former Municipal Electricity Department (MED) building at 40 Cuba Street has been reassessed for its heritage value. The Conservation Architect considered that the principal values of this building, as it stands today, are to do with its scale and modestly articulated façade. There is an extensive history of change to the building and little original fabric is visible. While the building is of relatively high historic and social value, due to its longstanding association with the MED, and is well known to Wellingtonians, it is no longer in that use. While it may no longer warrant listing as a separate heritage building in the District Plan it does have some historic value and its articulated façade contributes to the streetscape of lower Cuba Street. The oversized billboard on the verandah and the current paint scheme and advertising slogans for Cash Converters does little to enhance the appearance of this building although these are easily remedied. It is recommended that this building be removed from listing as an individual heritage building in the District Plan but should be included as a non-listed heritage building in the Cuba Street Heritage Area.

6.2 Former Herd Street Post and Telegraph Building

Following on from a Council resolution 29 April 2002 the former Herd Street Post and Telegraph building was assessed for its heritage significance.

The resolution states:

“Agree that following Variation 22 becoming operative a District Plan change be initiated to include the Herd Street Post and Telegraph Building in the Schedule of Listed Heritage Items.”

The Conservation Architect considered, although this building was once of high architectural interest, and will, despite heavy alteration, retain some townscape value and some minor architectural value, there is little of the original building left, both in form and fabric.

However, the building has been retained for its historical significance and listing therefore is recommended.

6.3 Fort Balance

Point Gordon is currently listed in the District Plan as a Heritage Area, Map 7 Symbol Reference 6. Further research has established that the correct identification for the area is indeed Fort Balance, Fort Balance Road, Map 13 and accordingly the District Plan should be updated to reflect this. This is shown in Appendix Five of this report.

6.4 Clyde Quay Boat Harbour Heritage Area

Clyde Quay Boat Harbour is listed as a Heritage Area (Oriental Bay) in the District Plan, but excludes the clubhouse building 1943 – renovated 1987, the Coene sheds and slipway, the old clubhouse abutting the Freyberg pool. This was decided on as part of Variation 11 in 1998. The more recent assessment of the area has revealed that these items have heritage values that warrant listing on the District Plan. This plan change seeks to individually list all of the existing identified items in the heritage area as well as include items previously excluded from the area.

6.5 Future Listings

During the preparation of this proposed plan change, several other buildings that may have heritage value but have not been listed in the District Plan have been identified. Staff have noted these buildings and it is anticipated that they will be presented to Committee, along with the deferred items in June 2007.

7. Conclusion

The proposed changes responded to the Council’s new responsibilities under the Resource Management Act and take account of the policy direction of the Built Heritage Policy. In particular, this proposed Plan Change has identified items which reflect our ethnic and cultural diversity, post World War II buildings and heritage items that may be experiencing development pressure.

It is considered that the buildings identified as part of this proposed Plan Change provide recognition of our understanding of our cultural diversity and awareness of sense of place. They help to contribute to Wellington as a creative and memorable city that celebrates its past through the recognition and use of its built heritage for the benefit of the community and visitors and for future generations.

Contact Officer: *Sarah Nelson, Policy Advisor, Planning and Urban Design*

Supporting Information

1) Strategic Fit / Strategic Outcome

The focus of the Plan Change is an integral part of the Urban Development and Cultural Wellbeing Strategies, particularly supporting the recognition of more heritage items, creating a more liveable and sustainable city and building on sense of place outcomes and goals set out in these documents.

2) LTCCP/Annual Plan reference and long term financial impact

Relates to updating the District Plan.

3) Treaty of Waitangi considerations

All District Plan work is required to take into account the principles of the Treaty of Waitangi (refer to section 8 of the Resource Management Act 1991).

4) Decision-Making

The proposals to change the District Plan are in accordance with Council's Built Heritage Policy adopted in June 2005

5) Consultation

a) General Consultation

Consultation has been undertaken with parties directly affected by the proposed Plan Change

b) Statutory Consultation

Statutory consultation under clause 3 of the RMA has been undertaken

c) Consultation with Maori

Ngati Toa and the Wellington Tenth Trust have been advised of the Proposed Plan Change

6) Legal Implications

The Proposed Plan Change will be processed in accordance with the requirements of the Resource Management Act 1991

7) Consistency with existing policy

The proposals are in accordance with the Urban Development Strategy July 2006 and the Built Heritage Policy June 2005

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APPENDIX ONE – PROPOSED BUILDINGS AND OBJECTS FOR LISTING IN THE DISTRICT PLAN

NB: All listings to be appropriately notated on District Plan List and Maps

| WCC owned buildings and objects | | | | | | |
|---------------------------------|--|---------|------------------------------------|--|---|------------------|
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 1 | Halfway House, 246 Middleton Road | c1885 | House | Residential Inventory Review 1999. Draft Conservation Plan prepared for WCC by Conservation Architect, Ian Bowman as part of Parks Management Review of Properties. Glenside community support | Support | Proposed Listing |
| 2 | Former Custodians Residence, 86 Clark Street | 1901-02 | House, wood shed and stables | Conservation Plan prepared for WCC by Conservation Architect Russell Murray as part of Parks Management Review of Properties | Support | Proposed Listing |
| 3 | Botanic Garden Stables, Mess Rooms and Tool Shed below Treehouse Visitors Centre | 1915 | Stables, mess rooms and tool sheds | Non-Residential Inventory Review 2001 | Support | Proposed Listing |
| 4 | Former Brickworks Wall, Ira Street | c1925 | Wall | Identified by community members, Heritage report 2002, legal advice re. RC application. | Infrastructure concerned about funding for future maintenance | Proposed Listing |
| 5 | Museum Stand, Basin Reserve (2 Rugby Street) | 1924 | Stand | Non-Residential Inventory Review 2001 and NZHPT Category II; Basin Reserve Historic Area | Support | Proposed Listing |
| 6 | Miramar Bowling Club Pavilion, 75a Puriri Street | 1940 | Building and bowling greens | Non-Residential Inventory Review 2001 | Support | Proposed Listing |

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| 7 | Maranui Surf Life Saving Club, Lyall Pd | 1930/ 1956 | Building | Non-Residential Inventory Review 2001 | Support | Proposed Listing |
| 8 | Clyde Quay, 1905 Boat Sheds 1-13 | 1905 (Sheds 2- 13) 1909 (Shed 1) | Sheds | Clyde Quay is listed as a Heritage Area (Oriental Bay), but not all buildings are included, nor are the buildings individually listed. Requests amendment to existing listing in District Plan | Support | Proposed Listing |
| 9 | Clyde Quay, Boat Sheds 14-27 | 1922 | Sheds | Ibid | Support | Proposed Listing |
| 10 | Clyde Quay, 1905 Boat Sheds 38-49 | 1905 | Sheds | Ibid | Support | Proposed Listing |
| 11 | Clyde Quay, Former Clubhouse, Port Nicholson Yacht Club | 1919 | Building | Ibid | Support | Proposed Listing |
| 12 | Clyde Quay, Clubhouse, Port Nicholson Yacht Club | 1943 renovated 1987 | Building | Ibid | Support | Proposed Listing |
| 13 | Clyde Quay, Former Te Aro Sailing Club Sheds | c1917 | Sheds | Ibid | Support | Proposed Listing |
| 14 | Coene Sheds and Slipway | Sheds c1942 Slipway 1946 | Sheds and slipway between the sheds | Ibid | Support | Proposed Listing |
| Residential | | | | | | |
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 15 | Hill House, 185 Melbourne Road | 1907 | House | Former WCC owned property, listing in DP condition of sale | No response received | Proposed Listing |
| 16 | Lang House, 81 Hatton Street, Karori | 1952 | House and garage | Residential Inventory Review 1999 and Post WWII BHP 2005 (NZHPT Category I) | Support but note some inaccuracies in profile | Proposed Listing |

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| 17 | Lilburn House, 22 Ascot Terrace | 1951 | House, shed and garden | Post WWII BHP 2005 (NZHPT Category I) | Very Supportive | Proposed Listing |
| 18 | 154 Oriental Parade | 1930 | Building | ibid | No response received | Proposed Listing |
| 19 | 234 Oriental Parade | 1900 | Building excluding 1950s alterations | ibid | No response received | Proposed Listing |
| 20 | 240 Oriental Parade | 1907-08 | Building including garage/shed | ibid | No response Received | Proposed Listing |
| 21 | 298 Oriental Parade | 1928 | Building | ibid | No response received | Proposed Listing |
| 22 | Former Brooklyn Post Office, 22 Cleveland Street | 1913-1914 | Building, garage and sheds | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 23 | Hazel Court Apartments, 4 Claremont Grove, Mount Victoria | 1954-56 | Building and garages | Identified by Conservation Architect, Ian Bowman. Post WWII BHP. | Support | Proposed Listing |
| 24 | Nott House/Ivy Bank Farm, 400 Middleton Road, Glenside | c1860 | House and milk stand adjacent to Middleton Road | Residential Inventory Review 1995 and 1999 Heritage Inventory and NZHPT Category II. Glenside community support | No response received | Proposed Listing |
| 25 | Randell Cottage, 14 St Mary Street | c1867-1868 | House | Residential Inventory Review 1995 and 1999 Heritage Inventory and NZHPT Category II Thorndon Society supports listing | No response received | Proposed Listing |
| Commercial | | | | | | |
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 26 | 2 - 14 Riddiford Street | 1903 | Buildings and | Non-Residential Inventory Review 2001 ¹ | No response | Proposed Listing |

¹ Non-Residential Inventory Review 2001 was a major project started in 1998 as a result of the District Plan Hearing process. As part of this project a team of consultants was put together to identify additional places not included in the District Plan. A thematic framework was developed and a number of lists of buildings identified and then researched that fitted in with the thematic framework. These places were then assessed against a set of new heritage criteria established by the consultants. The thematic framework and the criteria are in Volume II of the Inventory which was published in 2001. The Inventory and review included places listed in the DP as well as new ones. A

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| | | | gardens | | received | |
| 27 | 2YA Transmitter Building and Tower | 1927 | Building and remaining antenna tower | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 28 | 151 Cuba Street | 1896-1897 | Building and remnant party wall south side | Condition of Building Safety Fund Grant. CBD Heritage Area Review 2005 Cuba St | No response received | Proposed Listing |
| 29 | Bats Theatre, 1 Kent Terrace | 1923-24 | Building | Non-Residential Inventory Review 2001 CBD Heritage Area Review 2005 Courtenay Place Heritage Area | No response received | Proposed Listing |
| 30 | Former Army Headquarters Building, corner of Buckle Street and Taranaki Street | 1911-12 | Building | Non-Residential Inventory Review 2001 and NZHPT Cat II also discussions with Defence Dept. Identified as Heritage Building under S66 requirements old Building Act | No response received | Proposed Listing |
| 31 | HMNZS Olphert, Defence Site, corner of Buckle and Taranaki Streets | 1941 | Building | Non-Residential Inventory Review 2001 and NZHPT Cat II also discussions with Defence Dept. Identified as Heritage Building under S66 requirements old Building Act | No response received | Proposed Listing |
| 32 | Former Levin & Co Warehouse, School Road, Kaiwharawhara | 1924 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 33 | Lintas House, 136 The Terrace (Formerly Franconia) | 1938 | Building | Non-Residential Inventory Review 2001 and NZHPT Cat II | No response received | Proposed Listing |
| 34 | Ghuznee Building, 62-64 Ghuznee Street | 1929 | Building | Non-Residential Inventory Review 2001 CBD Heritage Area Review 2005 Cuba St Heritage Area | No response received | Proposed Listing |
| 35 | Former Kaiwharawhara School, 7 Fore Street, Khandallah | 1925 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |

Plan Change to list the new buildings was not undertaken until now as it was decided that it was better to strengthen the heritage rules first before undertaking any more listings.

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| 36 | Former Primitive Methodist Church, 22 Donald McLean Street | 1907 | Building including manse and front fence | Non-Residential Inventory Review 2001 | Opposed | Proposed Listing |
| 37 | Former Sub-station, 19 Kate Sheppard Place | 1925 | Building | Non-Residential Inventory Review 2001 and NZHPT Cat II. CBD Heritage Area Review 2005 Cuba St Heritage Area | No response received | Proposed Listing |
| 38 | Kelvin House, 16 The Terrace | 1927-28 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 39 | Masonic Hall/SAI Centre, 8 Daniell Street | 1904 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 40 | Meteorological Office, Salamanca Road | 1968 | Building | Non-Residential Inventory Review 2001 and Post WWII BHP 2005. Part of Botanic Garden Heritage Area | No response received | Proposed Listing |
| 41 | Ohariu Valley Community Hall, 550 Ohariu Valley Road | 1905 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 42 | Railway Workshop, Thorndon Quay | 1937 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 43 | John St Doctors' Surgery, 27 Riddiford Street | c1876-1877 | Building | Residential Inventory Review 1999 (NZHPT Category I) ² | Support | Proposed Listing |
| 44 | Shepherd's Arms, 285 Tinakori Road | 1870 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 45 | St Paul's Cathedral, Corner of Molesworth Street and Hill Street | 1954-1998 | Building including interior, Lady Chapel and service buildings | Non-Residential Inventory Review 2001 and Post WWII BHP 2005 | No response received | Proposed Listing |
| 46 | The Tea Store, 20 Egmont Street | c1923 | Building | Non-Residential Inventory Review 2001 and CBD Heritage Area Review 2005 | No response received | Proposed Listing |

² A number of buildings have been registered under the Historic Places Act 1993 since the District Plan became operative in July 2002. The inventory review has taken into account these registrations.

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| 47 | Woolstore Design Centre, 262 Thorndon Quay | 1910 | Building | Non-Residential Inventory Review 2001 | No response received | Proposed Listing |
| 48 | Cook Islands High Commission, 56 Mulgrave Street | 1875-76, 1909 | Building including 1921 addition | Identified by Thorndon Society | Strongly oppose | Proposed Listing |
| 49 | Vector Sub-station, 284 Thorndon Quay | c1925 | Building and eastern service court | Identified when Vector proposed to demolish, structural assess and heritage assess 2005 (BC application) | No response received | Proposed Listing |
| 50 | Wesley Church Hall, Wesley Church Heritage Area 75 Taranaki Street | 1882 | Building | Non-Residential Inventory Review 2001 and CBD Heritage Area Review 2005 Wesley Church Heritage Area | Would like further discussion | Proposed Listing |
| | Object | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 52 | Wall, 10 Balmoral Terrace | 1893 and 1923 | The perimeter wall | House listed. Owners would like wall listed | Support | Proposed Listing |

APPENDIX TWO

APPENDIX TWO – ITEMS ALREADY LISTED IN THE DISTRICT PLAN AND DEFERRED BUILDINGS

ITEMS ALREADY LISTED IN THE DISTRICT PLAN

| Areas | | | | | | |
|-------|--|-----------|-----------------------------------|--|--------------------------|--|
| | Object | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 51 | Fort Balance, Fort Balance Road, Miramar Peninsula | 1885-1941 | Building and subsidiary batteries | Non-Residential Inventory Review 2001 and NZHPT Cat I. Requires amendment to existing listing in the District Plan and notation on maps. | No response received | Proposed Listing |
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 53 | 12 Abbott St | 1940 | House, tower and porch addition | Owners would like property de-listed | Opposed | Retain listing on District Plan |
| 54 | 80 Simla Cres | 1939 | House excluding 1983 extension | Owners would like property de-listed | Voiced opposition | Retain listing on District Plan |
| 55 | 40 Cuba Street, Former MED capital Power Building | 1920 | Recommended de-listing | Proposed delisting from Central Area Review Plan Change 48 | Owners not consulted | Remove from District Plan Heritage Inventory |

DEFERRED BUILDINGS

| Residential | | | | | | |
|-------------|------------------|------|--------------------|--|--------------------------|----------------|
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 56 | 1a Holloway Road | 1905 | Building | Residential Inventory Review 1999 Initial research work undertaken by team of heritage people including Chris Cochran, Michael Kelly and David Kernohan, Conservation Architect | Oppose | Deferral |

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|-------------------|---------------------|-------------|---------------------------|---|---|-----------------------|
| 57 | 110 Oriental Parade | 1897 | Building | Oriental Bay Planning Study. The District Plan and Reserves Management Subcommittee 1 August 2003 directed staff to investigate potential additional buildings along Oriental Parade to be listed. Further endorsed by Subcommittee 30 June 2004. The initial work for these buildings was undertaken by Chris Cochran, Conservation Architect and Michael Kelly, Heritage Consultant in 2004 | Oppose | Deferral |
| 58 | 182 Oriental Parade | 1944 | Building | ibid | Strongly Opposed | Deferral |
| 59 | 186 Oriental Parade | 1910-11 | Building | Ibid. Council Officers also met with owner of this Charlesworth house at a local residents meeting for all Charlesworth houses in February 2004 | Strongly opposed | Deferral |
| 60 | 214 Oriental Parade | 1964 | Building | ibid | Opposed | Deferral |
| 61 | 274 Oriental Parade | 1958 | Building | ibid | Opposed | Deferral |
| 62 | 280 Oriental Parade | 1939 | Building | ibid | Mixed response: Some flat owners strongly opposed others remaining neutral. | Deferral |
| Commercial | | | | | | |
| | Buildings | Date | Listing to include | Background | Response to Consultation | Recommendation |
| 63 | 91-93 Dixon Street | 1907 | Building | CBD Heritage Area Review (individual building identified 2005) Identified by WCC staff in 2005 as part CBD Heritage Area Review. These buildings have since been researched for possible listing. | Opposed | Deferral |

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|----|---|------------------|---|--|-------------------|----------|
| 64 | 95-97 Dixon Street | 1905 | Building | CBD Heritage Area Review (individual building identified 2005). Ibid | Opposed | Deferral |
| 65 | 154-156 Victoria Street | 1899 | Building | CBD Heritage Area Review (individual building identified 2005). Ibid | Strongly oppose | Deferral |
| 66 | 233 Willis Street | 1943 | Building | CBD Heritage Area Review (individual building identified 2005). Ibid | Opposed | Deferral |
| 67 | Braemar, 32 The Terrace | 1924 | Building | Non-Residential Inventory Review 2001 | Voiced opposition | Deferral |
| 68 | Gas Tank, California Garden Centre, 195 Park Road | 1925-26 and 1992 | Building | Non-Residential Inventory Review 2001 | Oppose | Deferral |
| 69 | Former Church of Christ (Diva), 37 Dixon Street | 1883-1907 | Building | Non-Residential Inventory Review 2001 | Strongly oppose | Deferral |
| 70 | Hannah Playhouse, Corner Cambridge Terrace and Courtney Place | 1973 | Building | Non-Residential Inventory Review 2001 CBD Heritage Area Review 2005 Courtenay Place Heritage Area. WCC and Trust building. | Opposed | Deferral |
| 71 | Penthouse Cinema, 205 Ohiro Road, Brooklyn | 1939 | Building excluding 2005 extension | Non-Residential Inventory Review 2001 | Oppose | Deferral |
| 72 | Robert Stout Building, Kelburn Parade | 1938/1959 | Building | Non-Residential Inventory Review | Opposed | Deferral |
| 73 | Old Wool House, 139 – 141 Featherston St | 1955-58 | Building | Non-Residential Inventory Review 2001 and Post WWII BHP 2005 | Strongly Opposed | Deferral |
| 74 | Shed 35, Kings Wharf, Port of Wellington | 1915 | Building | Heritage Inventory 1995. Political Decision to exclude from listing in District Plan | Opposed | Deferral |
| 75 | Maritime House, Kings Wharf, Port of Wellington | 1928 | Building | Heritage Inventory 1995. Political Decision to exclude from listing in District Plan | Opposed | Deferral |
| 76 | Former ICI House, 55 – 67 Molesworth Street | 1964 | Building, main entrance foyer and mural | Non-Residential Inventory Review 2001 and Post WWII BHP 2005 Resource Consent Granted Feb 2006 for major alterations | Strongly oppose | Deferral |

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|----|--|------|----------|--|-------------------------------------|----------|
| 77 | Wellington Aero Club Building, 246 Coutts Street | 1932 | Building | Identified and researched initially as part of Non-Residential Inventory Review 2001. Political Decision to exclude from published inventory | Memorandum of Understanding drafted | Deferral |
|----|--|------|----------|--|-------------------------------------|----------|

APPENDIX THREE

APPENDIX THREE

LETTERS RECEIVED

NB: Numbers at the top of the page relate to building numbers in Appendix One and Two

APPENDIX FOUR

APPENDIX FOUR

PROPOSED BUILDINGS AND OBJECTS PROFILES

NB: Numbers at the top of the page relate to building numbers in Appendix One and Two

APPENDIX FIVE

APPENDIX FIVE

PROPOSED FORT BALANCE HERITAGE AREA

APPENDIX SIX

SECTION 32 REPORT – PROPOSED PLAN CHANGE 53

PROPOSED ADDITIONS TO LISTED HERITAGE BUILDINGS AND OBJECTS

1. Introduction

Before a proposed District Plan change is publicly notified the Council is required under section 32 of the Resource Management Act (RMA, or the Act) to carry out an evaluation of the proposed change and to prepare a report. As outlined in section 32 of the Act the evaluation must examine:

- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of the 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.*

An evaluation must also take into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.*

Benefits and costs are defined as including benefits and costs of any kind, whether monetary or non-monetary.

A report must be prepared summarising the evaluation and giving reasons for the evaluation. The report must be available for public inspection at the time the proposed change is publicly notified.

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.

Two main 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*

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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;*
 - (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 proposed buildings and objects for listing have been brought to the Councils attention and identified through various reviews and studies. The majority of the commercial buildings have been identified through the Non-Residential Inventory Review in 2001. Many of the residential buildings were identified in the 1999 Residential Inventory Review. The Oriental Parade buildings were identified in the Oriental Parade Heritage Buildings Survey 2004. Other buildings have been identified as part of the Central Area Review (Plan Change 48), Parks Management Review of Properties and individual nominations from community groups and conservations specialists.

This Plan Change reflects the revised status of the Resource Management Amendment Act 2003, which elevated the status of heritage protection to section 6 of the Act. The Plan Change also reflects the Built Heritage Strategy which sets out the intentions of the Council for the city's built heritage over the next 10 years. Key points in the Policy are 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 together with "*Creating more heritage places in the District Plan, in particular, heritage places experiencing development pressure, places which reflect our ethnic and cultural diversity, and post World War II buildings*". Proposed District Plan Change 53 reflects this policy and proposes the addition of some 50 new buildings and objects of heritage value to be listed on the District Plan.

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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 continue to recognise built heritage places as essential elements of a vibrant and evolving city. This is relevant to this Plan Change because one action identified in the Policy is to;

Continue to identify built heritage places with significant heritage value to ensure their protection, promotion, conservation and appropriate use for present and future generations

Plan Change 43 – Heritage Provisions – Notified 4 May 2006

Proposed District Plan Change 43 introduced revised heritage provisions that strengthen the regulatory controls for the protection of the City's historic heritage.

Specifically objective 20.2.1 of proposed Plan Change 43 states that the Council seeks:

'to recognize and protect the city's built historic heritage'

This objective is to be achieved in part through identifying, recording and listing the city's significant historic heritage in the District Plan.

The key components of the Plan Change 43 are:

1. Redrafted objectives and policies to emphasise the protection of historic heritage in accordance with section 6(f) of the Resource Management Act 1991 and the direction of the Council's Built Heritage Policy.
2. Removal of Controlled Activity provisions, and additions and alterations to listed heritage buildings made a Discretionary Activity (Restricted or Unrestricted, depending on the extent of the modifications to the building).
3. Demolition or relocation of listed buildings or objects made a Discretionary Activity (Unrestricted).
4. New rules controlling the development of non-listed buildings and/or subdivision on the site of a listed heritage building or object to protect the setting of the listed item.
5. Enhanced heritage area provisions including control of the demolition or relocation of identified contributing buildings or structures within a heritage area, subdivision and earthworks.
6. New Chapter 3 provisions outlining the information to be supplied with resource consent applications for work affecting listed heritage items.

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4. Process & Consultation

Key documents

- Residential Inventory Review 1999
- Non-Residential Inventory Review in 2001.
- Oriental Parade Heritage Buildings Survey 2004.
- Parks Management Review of Properties
- Plan Change 43 – Heritage Provisions
- Wellington City Council Built Heritage Policy 2005
- District Plan Monitoring Programme – Effectiveness of the Plan relating to Heritage - June 2005
- The individual building assessment profiles prepared for Proposed Plan Change 53
- Proposed District Plan Change 48 - Central Area Review

Consultation with property owners

With reference to the Wellington City Council owned buildings, the various Business Units were consulted. Overall, the various Business Units support their buildings being listed in the District Plan.

On 31 October the Council consulted with the owners of the buildings and objects identified for proposed listing. At the time of writing this report, 4 responses were received that generally supported the proposals although one requested various amendments to the wording in the profile. 21 letters of opposition were received that covered a variety of issues but there was a definite emphasis on the perceived restrictions that the listing would bring as well as a potential devaluation of property.

All the letters were carefully considered and the process resulted in a number of buildings being recommended for further consideration at a later time.

5. Appropriateness of Objectives

Section 32 requires the Council to be satisfied that the objectives of the District Plan are the most appropriate means of achieving the purpose of the RMA. Proposed District Plan Change 51 does not change any of the objectives in the District Plan.

6. Appropriateness of Policies, Rules and Other Methods

Section 32 also requires the Council to consider whether the policies, rules and other methods used in the District Plan are the most appropriate methods of achieving the Plan's objectives.

The following options assess the efficiency, effectiveness and appropriateness of the proposed plan change:

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OPTION ONE

Do Nothing / Don't List / Non Regulatory Approach (with or without advocacy / education)

Explanation

Given requirements to protect identified heritage values, protection through listing in the District Plan provides the most direct means for securing heritage items . If items are not listed there is a real threat that they may be demolished or relocated. There are other District Plan measures that work to encourage retention, but without listing this can not be assured.

Other measures that work to assist retention include:

- Inner Residential demolition control provisions
- Existing District Plan policies and rules and proposed policies and rules under District Plan Change 48
- Heritage advocacy and education

Efficiency and Effectiveness

From experience, Council is aware that a non-regulatory approach is not an efficient or effective way of protecting the city's heritage.

In the absence of listing, advocacy and education provides the primary alternative method for protecting heritage, particularly on private land. The application of financial incentives is also used to a limited extent. While these methods are useful they provide no sanction against the destruction or removal of a heritage items.

Public ownership may also provide greater certainty for the protection of heritage items but it is unrealistic to expect public ownership as a primary means of protection.

A non regulatory approach is unlikely to achieve the Councils key heritage objective of recognising and protecting the city's heritage. Where items are not listed the Council is most often in a reactive position when dealing with development proposals affecting heritage. Negotiation with owners may be successful in retaining various heritage elements but without the force of regulation through District Plan rules there is nothing to prevent the eventual loss of items.

Key Benefits and Costs of Non Regulatory Option

Benefits

- No direct constraints on owners or developers to retain heritage items
- Certainty for owners/developers in development potential of their property
- Reduced compliance costs

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Costs

- Community costs through loss of heritage values
- Diminished sense of place and townscape
- Reduced certainty for owners/developers
- Possible delays for owners/developers
- Higher compliance costs for owners and developers
- Perceived devaluation of property

OPTION TWO

Proposed Plan Change

The Listing of Heritage Items - Regulatory approach

Explanation

Past history has shown that while there are examples of positive private initiatives to protect heritage e.g. restoration of many inner city residential houses, buildings of heritage value can be lost without listing.

The Council has a long history of listing heritage items through the District Plan rules from the introduction of the first District Scheme in 1972. Since this time there has been ongoing extensions to the list of items and strengthening of the rules.

More recently, amendments have been made to the Resource Management Act that recognise heritage as a matter of national importance (s6) which has been reflected in the Council's Built Heritage Policy and proposed District Plan Change 43 (Heritage Review).

Efficiency and Effectiveness

Listing through the District Plan rules has been found to be an efficient and effective means of protecting important aspects of the city's heritage.

The listing means that buildings that are subject to potential development must be assessed through a resource consent process. This is not prohibitive process, but rather a process for consideration and exploration of how the heritage significance of a listed building can be protected in a manner that is appropriate.

Listing in the District plan does not generally cover internal alterations. With regard to buildings it is only the exterior that is protected. Property owners still have scope for refurbishment, renovation and adaptive re-use. Any extension of the listing i.e. to include protection interiors, would require further detailed evaluation and change to the District Plan.

Monitoring shows that under listing, few listed buildings are totally lost.

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Listing therefore directly achieves the Council's objective of recognising and protecting heritage and the regulatory approach provides certainty that items will be protected or where development is proposed it can be appropriately scrutinised.

Key Benefits and Costs of Non Regulatory Option

Benefits

- Enhanced protection of heritage
- Enhanced protection of townscape and sense of place/vibrancy
- Assessment of applications to secure improved design/redevelopment solutions

Costs

- Less certainty for owners/developers
- Possible delays for owners/developers
- Higher compliance costs and need for resource consent
- Possible blighting if listing limits adaptive reuse of buildings

Of the 2 options considered, Option 1, do nothing/do not list/non-regulatory, would not be an appropriate means to achieve the new heritage objective as it does not ensure the future safeguarding of the buildings and objects that have been identified as having heritage value. The Built Heritage Policy has a clear objective to continue to identify built heritage places with significant heritage value to ensure their protection, promotion, conservation and appropriate use for present and future generations. 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 if the buildings and objects were lost. 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 2, the Proposed District Plan Change regulatory approach is recommended because it is considered to be the most efficient and effective way to protect the buildings and objects identified, with the best outcome in terms of the costs and benefits at the environmental, social/cultural and economic levels.

7. The Risk of Acting or Not Acting

The evaluation under section 32 must consider the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the proposed approach. In this case, it is considered that there is no significant issue of risk in respect of the information available to support the proposed listings. The items proposed for listing have been fully researched and carefully evaluated and the information is sufficient to support the proposed change.

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8. Recommended Proposed Plan Change

Option 2 is recommended for the following reasons:

- the proposed plan change reflects the intentions and amendments to the Resource Management Act 1991, which made historic heritage a matter of national importance.
- the proposed plan change will implement the Council's the Built Heritage Policy.
- The listing will recognise the heritage value of important buildings and objects and will promote their protection