

District Plan Hearing Stream 1

Submitter ID 415 & FS 091 – Dr M Keir & Ms S Cutten

Submission 5: Stream 1 tabled speaking notes

Preface

We begin this paper by correcting the record in relation to a procedural matter on the deadline for further submissions.

During this process we brought the issue of the 10-day timeline for further submissions to the Council's attention. Further submissions opened part way through Monday 21 November 2022 and had a closing date of Friday 2 December 2022. We determined that using the correct method of counting days – submissions should have been able to be submitted through to Tuesday 6 December 2022 and sought for it be amended or be offered an extension through to this date. Both Sarah and I are both in full time employment and this timeline would have provided a critical second weekend to work on our further submissions. The response we received is copied below:

"The Council has confirmed that they believe they have complied with the requirements of the Act in terms of notification and the duration of the further submissions process. Council has confirmed this morning that they would not support an extension of time."
(Received, 30 November 2022)

However, the Council's section 42 overview report includes the following statement.

4.2.4 Procedural matter

50. A procedural technicality is disclosed with respect to the timeframe for further submissions under clause 7 of the First Schedule.
51. The Council counted the day on which the public notice of the availability of a summary of decisions requested by persons making submissions on a proposed policy statement or plan (and accordingly the acceptance of further submissions) as part of the required 10 working day timeframe.
52. This timeframe should have commenced on the day after the notice was given resulting in a period of nine working days for further submissions. Any disadvantage that may have been experienced has been avoided by accepting further submissions for the correctly calculated period. I have also recommended that four other late further submissions should be accepted.

Ultimately the Council has acknowledged their error openly and we commend them in doing so. However, it is disappointing that they did not contact us to advise us of their error directly rather than needing to this in the section 42 overview report. Anyway - we are less certain that the Council has discretion under Section 7(1)(c) of Schedule 1 in the RMA to accept the four other submissions that were beyond the 10-day limit as they have recommended.

We want to correct the record presented by the Council that their error had no consequence, and any disadvantage was avoided by accepting later submissions. The refusal to extend the timeline to the 10-days or grant an extension to the 10 days effectively halved our time to assimilate information from submissions and respond through further submissions. We submitted our further submission prior to the 2 December deadline the Council had set. Contrary to the Council's statements highlighted in yellow above – this was a significant disadvantage to the breadth, quality, and readability of our final further submissions document. We feel the Council, again trivialises and dismisses the impact of their decisions.

1 Introduction

1. This short paper details our recommendations and rationale for the Panel's consideration regarding strategic objectives of the Proposed District Plan. The points we raise cover three general themes and are supported by evidence within our original submission.
 - (a) Decision making processes.
 - (b) Historic heritage chapter and objectives.
 - (c) The interpretation of the RMA sections the Council has used in developing the strategic objectives.
2. Our discussion points follow the order of the PDP except for those relating to definitions which we include at the end. Given hearing stream one is largely about the strategic objectives in the PDP, most references are to sections 6 and 7 of our original submission which considers the strategic context and role of the Council in relation to heritage.
3. To assist the Commissioners finding the discussion on relevant topics within our original submission we have provided references in grey on the right-hand side within this paper.
4. The Panel has requested submitters propose drafting or corrections to assist them in their process. This paper presents proposed changes or recommendations in a structured way. First, we outline what the Council has proposed, followed by our recommended changes or redrafting, and then we provide our rationale. We have not sought to repeat our submission which outlines the broad context that supports our points in much more detail.
5. The Panel has also requested that submitters raise points they feel were missed in the s42 report. Our original submission was substantial, and we recognise it may not have been easy for the Council to distil and summarise – partly because we are new to this process. The section 42 report presents a somewhat confusing set of points from our original submission and many points have been missed. We raise these points with the Panel now in relation to hearing stream one topics.
6. There are 13 recommendations we put to the Panel within this paper. We intend to focus on the strategic objectives in the hearing.

2 Anga Whakamua – Moving into the future

2.1 AW-O5 - Why only call out one element of good decision making?

The Council's proposal

7. The Council included AW-O5 in response to submissions from GWRC [351.52].

AW-O5	<u>Resource management decisions are informed by best available information and mātauranga Māori.</u>
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Our proposed changes: (415 Rec 1 and 2)

8. We request the Panel consider where a provision that sets objectives of good resource management decision making best fits within the plan **(415 Rec 1)**
9. We propose the following drafting of this objective to include other aspects of good decision making **(415 Rec 2)**

Resource management decisions:

1. Are informed by the best available information, mātauranga Māori, and supporting analysis and evidence, that is to a level of detail that corresponds to the scale and significance of the decision.
2. Seek to deliver net benefits for residents and future residents.
3. Seek to achieve the required aims in a least cost way, and with the least adverse impact on market competition, property rights, and individual autonomy and responsibility.
4. Are proportionate, fair, and equitable, in the way they treat regulated parties.
5. Conform to established legal and constitutional principles and support compliance with New Zealand's international and Treaty of Waitangi obligations.

Our rationale

10. We support the inclusion of a strategic objective on good decision making within the plan. It is common for guidance and requirements on decision-making to be included policy instruments to aid decision-makers, ensure consistency, and reduce uncertainty for those seeking decisions.
11. However, we propose this newly introduced objective be expanded to include other accepted attributes of good decision-making practices that apply to resource management, rather than simply listing a single aspect in regard to 'best available information and knowledge'.
12. Expanding this objective would establish clear guidance to support decision makers acting under the plan in making their decisions, and how they exercise discretion under the provisions in the plan, in relation to the resources within our city for the benefit of residents and future residents.
13. We have expanded the newly introduced objective to include other attributes of widely recognised and accepted good practice resource management decision making. The terminology proposed above is adapted from:
 - (a) section 32 of RMA, which includes expectations on the level of detail for evaluations to inform decisions (proposed point 1), and
 - (b) the New Zealand Treasury's expectations for good regulatory practice (proposed points 2 - 5).
14. There is no natural home for an objective that sets out principals for how decisions should be made under the proposed structure of the plan. We request the Panel consider where such an objective is best placed within the plan. For example: the Capital City chapter already includes CC-03(6) which recognises the 'Partnership with mana whenua' as a strategic city objective which spans topics.

In our original submission:
Section 7.4: There is a significant power imbalance between the Council and isolated homeowners
Section 7.5: The New Zealand Treasury sets expectations for good regulatory practice
Section 8.4 The Council has failed to effectively consider cost and benefits (included points)

3 Tāone Kāwana – Capital City

3.1 CC-O2(2) – Improve alignment to the purpose of the RMA.

The Council's proposal

15. In the second point of CC-O2 the Council suggests the District Plan should support wellbeing of current and future residents.

CC-02	Wellington City is a well-functioning Capital City where: 2. The social, cultural and economic and environmental wellbeing of current and future residents, and the environment is supported;
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Our proposed changes (415 Rec 3)

16. We propose strengthening the second point of this objective to reflect a greater importance than simply supporting, and to recognise the intention to provide for wellbeing while supporting the environment. **(415 Rec 3)**

<p>Wellington City is a well-functioning Capital City:</p> <p>2. Which provides for the social, cultural, and economic wellbeing of current and future residents, while supporting the environment.</p>	
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Our rationale

17. We support the change to reword and remove 'environmental wellbeing' in point two which is confusing and not aligned with the RMA.
18. However, we think that the word 'supported' does not fully capture the responsibility under the purpose in Section 5 of the RMA to 'provide for' the social, cultural, and economic wellbeing of current and future residents – this role is more than simply to 'support' wellbeing.
19. The Council's drafting also misses the important conjunction in the purpose of the RMA under which the Council is operating. The term 'while' deliberately sets the requirement to provide for the wellbeing of residents at the same time as support the environment. This conjunction highlights the important role of decision makers in balancing of benefits and trade-offs that are required.

In our original submission:
Section 7.1: National Policy Statement on Urban Development (comments in paragraph 47 onwards including Figure 4)

3.2 CC-02(5) – Reword to fix introduced errors.

The Council's proposal

20. The Council has introduced errors in their redrafting of this point 5 of this objective. Yellow highlighting indicates the points we discuss or change.

CC-02	Wellington City is a well-functioning Capital City where: 5. Innovation and technology advances that support the social, cultural, and economic and environmental wellbeing of existing and future residents and supports the environment are is promoted; and
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Our proposed changes (415 Rec 4)

21. We propose the following redrafting to address these issues and simplify the objective point and align with other points. **(415 Rec 4)**

<p>Wellington City is a well-functioning Capital City:</p> <p>5. Where innovation and technology are promoted and applied to support the social, cultural, and economic wellbeing of current and future residents, and support the environment.</p>	
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Our rationale

- 22. We support the objective promoting and application of innovation and technology within the city.
- 23. However, believe this should be reworded as above. We have discussed digital innovation at some length regarding options for heritage in our original submission.

In our original submission:
Section 8.3 under the heading "No options considered for the use of digital heritage protection"

3.3 CC-O2(6) – Does this objective needlessly repeat objectives from other chapters?

The Council’s proposal

- 24. The Council included a general objective in CC-O2 point 6 on values and characteristics.

CC-O2	Wellington City is a well-functioning Capital City where: 6. Values and characteristics that are an important part of the City’s identity and sense of place are identified and protected.
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Tāone Kāwana - Capital City (page 2 of 2)

Our proposed changes (415 Rec 5 and 6)

- 25. We request the Panel consider if this objective is adding anything not already included in the historic heritage of natural environment objectives – and therefore if it is needed at all. **(415 Rec 5)**
- 26. If the Panel sees value in retaining the point, we propose the following redrafting. **(415 Rec 6)**

<p>Wellington City is a well-functioning Capital City:</p> <p style="padding-left: 40px;">6. Where values and characteristics that are an important part of the City’s identity and sense of place - are identified, managed sustainably, and recognised in a way which provides for the wellbeing of current and future residents.</p>	
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Our rationale

- 27. We support the position that Council Officers have expressed in paragraph 840 of the Section 42a report this objective is not intended to include exhaustive list.
- 28. If this objective was reframed as a strategic objective all the other strategic objectives relating the heritage and significant natural areas could be pushed down a level in the plan to operational objectives. Recognising, this is unlikely given the stage of the process we question the need for Point 6 in CC-O2 at all. The RMA relates to the sustainable management of ‘physical and natural resources’ and point 6 appears to repeat HHSASM-O1 and NE-O1 from the historic heritage and natural environment chapters. What other characteristics that are not built or natural does the Council propose it wants to protect or manage through its powers under the RMA?
- 29. We note that in identifying and determining what values and characteristics are an important part of the City’s identity, the Council or decision makers must consider the importance of such characteristics, as valued by current and future residents (people and the community). Where trade-offs will undoubtedly arise with competing aims, decision makers must weigh

In our original submission:
Section 6.3 The Council is naturally incentivised to over-provide heritage protection
Section 7 The broader regulatory context in

and balance the relative benefits and seek a decision that provides the highest net benefit to support the future of Wellington City.

relation to the proposed heritage listing of our home (specifically 7.1 to 7.3)

30. We consider this point of the objective ought to be centred on the wellbeing of the of the current and future residents (the 'why' or purpose) and not the protection itself (the 'what' or vehicle to achieve the 'why'). Protection is not the purpose, objective, or outcome, it is simply one means that seeks to provide for the cultural wellbeing of residents and future residents. Protection is not warranted where the costs to social or economic wellbeing (or the environment) are greater than the benefit any such protection would achieve. A city that fails to home future residents or is so unaffordable young people cannot thrive here is not in the long-term interests of any residents.
31. An objective in relation to values and character of the City, through the District Plan, should be focused on the sustainable management of the physical resources that support the City's identity and sense of place. Our drafting reverts to the wording in the purpose of the RMA.

4 Ngā Wāhi Aronehe me ngā Wāhi Tapu o te Mana Whenua – Historic Heritage and Sites and Areas of Significance to Māori

4.1 The historic heritage chapter introductory text is not drafted in a neutral voice

The Council's proposal

32. The Councils introductory text in the heritage chapter is heavily partisan and lacks the balance we would expect in a document such as the District Plan. Yellow highlighting denotes points we address below.

Historic and cultural heritage provides a connection with those who lived before us. It helps us define who we are and contributes to our sense of place. Once destroyed, it **cannot be** replaced. It is a **fundamental part of the** wellbeing of people and communities.

Ngā Wāhi Aronehe me ngā Wāhi Tapu o te Mana Whenua (Page 1 of 2)

Historic Heritage **is a key** contributor to the City's vibrancy and sense of place, particularly when it is **retained**, celebrated, and maintained. It can **also** make a **significant** contribution to the economy, through employment, tourism and the provision of interesting and alternative work and recreation spaces.

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the RMA. The District Plan must recognise and provide for **this**.

Our proposed changes (415 Rec 7)

33. We propose the following redrafting of the three paragraphs above to remove the bias of the author and their opinions. We believe this wording better reflects a chapter introduction in a District Plan that exists for all Wellington residents, not only those who are strong proponents for heritage. Modifications and additions are highlighted in red text. **(415 Rec 7)**

Historic and cultural heritage provides a connection with those who lived before us. It helps us define who we are and contributes to our sense of place. Once destroyed, **it is very challenging and expensive to rebuild or replace and in many cases it may not be possible. It is far more desirable to retain important historic heritage that supports the cultural wellbeing of people and communities.**

Historic heritage **helps to** contribute to the city’s vibrancy and sense of place, particularly when it is celebrated, and maintained. **Historic heritage** can make a **useful** contribution to the economy **where it is accessible and its use supports**, employment, tourism, and the provision of interesting and alternative work and recreation spaces.

The protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance under section 6(f) of the RMA. The District Plan must recognise and provide for **the protection from inappropriate loss of important historic heritage while balancing this alongside the social and economic wellbeing of residents and future residents.**

Our rationale

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| <p>34. There is no doubt that someone with strong opinions on heritage wrote the introduction to the chapter on historic heritage., However, the District Plan is a document that for all Wellington residents, and it should be written in a balanced and neutral tone.</p> | <p>In our original submission:</p> |
| <p>35. Our engagement with the Council in relation to the proposed listing of our home combined with our research and investigation has uncovered significant concerns in relation to the approach of the Council’s heritage team, their incentives, biases, lack of evidence, non-existent evaluation, and dismissal of impacts of their proposal on residents and their rights and wellbeing. We do not support these same biases creeping into the wording of District Plan itself.</p> | <p>Sections 6.1 to 6.4 (Incentives and bias)</p> <p>Section 7.3 Access is implicit in the</p> |
| <p>36. Minor drafting changes:</p> <ul style="list-style-type: none"> (a) The language “cannot be” overly simplistic and indicates bias of the author. Evidence suggests that historic heritage can be rebuilt in certain circumstances – it is more a challenge and is dependent on: the records available, the skills it requires, and the expense. There are countless examples of historic buildings that have been or are being rebuilt including within New Zealand, for example the rebuild of the Christchurch Cathedral. (b) The language “fundamental part of” again indicates the bias of the author’s opinion. Historic heritage is not in its own right ‘wellbeing’. It supports the cultural wellbeing of people and communities in the purpose of the RMA. (c) The language “key” regarding the contribution of heritage to the City’s vibrancy again overstates the role and represents the authors opinion. Surely, it’s the people, communities, and business that are the key contributor to the city’s vibrancy. Heritage only helps to contribute. (d) The word “retained” is redundant in this sentence – how could it contribute is it didn’t exist? (e) The “significance” of the contribution is a matter of judgement and reflects the author’s opinion. We note that this economic value the author discusses appears to be entirely dependent on access to view or use the heritage buildings. We discussed use values at length in our submission. (f) The final paragraph overstates the role of protection as an outcome and misses the balance that must be achieved in relation to other objectives of the RMA. We expand on this point with our comments on HHSASM-O1. | <p>the definition of historic heritage, and its value in the RMA</p> <p>Section 8.2 The Council has failed to have an effective and unbiased process to identify heritage</p> <p>Section 8.4 The Council has failed to effectively consider cost and benefits</p> |

4.2 HHSASM-O1 – Fails to recognise the balance required with competing objectives

The Council's proposal

37. The Council proposes a strategic objective in the District Plan that focuses on protection as the outcome.

HHSASM-O1	Significant buildings, structures, areas, and sites that exemplify Wellington's historical and cultural values are identified, recognised and protected.
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Ngā Wāhi
Aronehe me
ngā Wāhi
Tapu o te
Mana
Whenua
(Page 2 of 2)

Our proposed changes (415 Rec 8)

38. Our proposed changes simplify the objective as historic heritage is already defined in the plan and shifts focus of the objective toward managing heritage and the wellbeing it creates rather than protection which is an outcome. **(415 Rec 8)**

Important historic heritage that exemplifies Wellington's historical and cultural values is identified, recognised, and sustainably managed to support the wellbeing of residents and future residents.	
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Our rationale

39. Historic heritage is already a defined term in the PDP so heritage items do not need to be relisted in objectives. However, the definition of historic heritage has a very broad in scope. For example, every structure that exists could be argued would contribute to an understanding of history and culture for future residents. The word 'contributes' is a low threshold for consideration as historic heritage.
40. Clearly, this means that some measure of importance or value must be applied, and such a measure should represent the value ascribed by the current and anticipated value to future residents of the city - not the value to selected academics or passionate advocates. The Council has undertaken no study to quantify or measure the values residents place on heritage and the different types of heritage. As such, they have little understanding of how to inform decisions on what is important heritage or what is appropriate or inappropriate use or development in relation to it.
41. The Council is unreasonably fixated on the word 'protect' and fails to add qualifiers from the RMA in the PDP objectives. That is, protection is only intended to prevent inappropriate subdivision, use, or development. We propose that the phrase 'sustainably managed' in the objective as this better reflects the intention regarding historic heritage under the purpose of the RMA (section 5) and the protection from inappropriate subdivision, use, or development as described in matters of national importance in the RMA (section 6). This point extends on our earlier comments in relation to CC-O2(6) that protection is not the objective, the correct strategic objective is the wellbeing of residents and future residents.
42. The Councils fixation on protection in the wording of the objective also fails to recognise the need to balance competing objectives and to also provide for residents and future residents social and economic wellbeing and support the environment.

In our original submission:
Section 6.3 and 6.4 (incentives)
Section 7 The broader regulatory context in relation to the proposed heritage listing of our home (specifically 7.2 and 7.3)
Section 8.4 (weighing of benefits)
Section 9.4 to 9.6 (Example of evaluating value across different objectives)

Example of more balanced heritage objectives: Hutt City Council

43. Hutt City Council is far more pragmatic in their proposed plan objective for area wide matters (plan change 56). They specifically recognise the necessity to balance protecting property

rights with maintaining heritage values. Note the yellow highlighting in the excerpts below.

<p>1.10.10 Heritage</p> <p>Changes to this section are proposed by Proposed District Plan Change 56.</p> <p>These changes have not yet taken legal effect.</p> <p>Please see http://hutt.city/pc56 for more information.</p> <p>Issue</p> <p>There are a variety of buildings and structures that contribute to the heritage values of the City through the visual impact of their style, architectural detail and cladding materials. Generally these features are found on the facades of heritage buildings therefore it is necessary to ensure that any works to the exterior of identified heritage buildings are managed. As the majority of identified heritage buildings and structures in the City are held under private ownership, it is also necessary to balance protecting property rights and maintaining heritage values.</p> <p>Objective</p> <p>To retain the heritage values of buildings and structures while ensuring that the rights of property owners to use identified heritage buildings and structures in an economically viable way are not compromised.</p>

44. Similarly, their policy objective in for built heritage (14F1.1) better aligns with the ‘sustainable management’ of historic heritage and seeks to avoid unnecessary loss, while recognising the complex trade-offs to support wellbeing of residents and future residents.

<p>Objective</p> <p>To ensure that the heritage values of identified heritage buildings and structures are not unnecessarily lost through demolition or relocation, or compromised by any additional work.</p>

45. Hutt City Council also narrows the scope of this objective to only apply to identified (ie listed) buildings. The wording in the Council’s PDP is ambiguous as it does not make this distinction. We have not sought to explicitly resolve this in our drafting.

4.3 HHSASM-O2 – What does resilience mean in relation to historic heritage?

The Council’s proposal

46. The Council proposes that built heritage be resilient and overreaches in terms of ensuring heritage values are maintained.

HHSASM-O2	Built heritage is resilient and has a sustainable long term use while ensuring heritage and cultural values are recognised and maintained.
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Our proposed changes (415 Rec 9)

47. Our proposed redrafting splits these concepts of the integrity of buildings from the adaption of heritage to new uses to support its long term sustainable management. **(415 Rec 9)**

Sustainable management of built heritage:

1. Promotes meeting mandated requirements of building regulations and providing safe environments for users.
2. Supports long term use by allowing adaption to new uses while avoiding unnecessary or inappropriate loss of heritage and cultural values.

Our rationale

48. The use of the word 'resilient' in this objective is confusing. Section B1.1 of the Building Code (Schedule 1 of the Building Regulations) defines the objectives in relation to structures. B1.1(a) states the objective is safeguard people from injury cause by structural failure. B1.1(b) refers to amenity but this only means an attribute of a building which contributes to the health, physical independence, and wellbeing of the building's users.
49. Earthquake strengthening buildings is more to do with making them safe for people to occupy and use than improving resilience of the heritage itself. It is widely acknowledged that buildings will fail in a magnitude 8.0 earthquake, and an earthquake of this magnitude is predicted to have a 75 per cent probability in the next 50 years – the building code is seeking to promote the preservation of life in such an event.
50. We note that in the Christchurch earthquakes it was the heritage protection regime itself that lacked resilience – and that the google maps time-travel feature arguable protected more heritage than the regulatory regime of the Council. A sustainable and resilient heritage protection regime should be the objective of the Council and we encourage them to consider the digital options we discussed in our submission.
51. The Council's drafting of the objective overreaches again with language 'ensures' heritage values are maintained. As discussed in relation to the first heritage objective, the appropriate level of retention of heritage value must be considered and weighed in relation to the value of the heritage in question, what's needed to support the long-term sustainable use of the heritage, while providing for the social and economic wellbeing of residents and supporting the environment.
52. We do not support an objective that would help to prevent adaption such as the debacle that delayed the adoption of new ticketing system within the Wellington train station due to heritage concerns regarding the hardware that was necessary to install.

In our original submission:
Paragraphs 85 – 90 (Earthquakes and heritage)
Section 6.3 The Council is naturally incentivised to over-provide heritage protection
Section 7.2 Matters of national importance in the RMA and interpretation

4.4 The PDP is missing any strategic objective regarding incentives for the identification, preservation, protection of, or support for the sustainable management of historic heritage

The Council's proposal

53. The Council seems to be comfortable demanding that private property owners (including a selection somewhat randomly selected homeowners) provide heritage services to Wellington City (and specifically those people who value the heritage highly) without any support and at significant private cost to the owner's social, cultural, and economic wellbeing. Clearly, this situation creates a powerful incentive that is directly at odds with intent of objective HHSASM-O1.

Our proposed changes (415 Rec 10)

54. We propose the addition of a new strategic objective for historic heritage along the lines we have drafted below. If heritage is important, it must be effectively incentivised to be sustainable managed.
(415 Rec 10)

<p>The identification, preservation, and sustainable management of the City's important historic heritage is incentivised and supported.</p>	
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Our rationale

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| <p>55. Without incentives that align with the goals in HHSASM-O1, the Council will never deliver on its obligation to promote the "sustainable management" of the physical resources (the collective historic heritage of Wellington City) as expected through the purpose of RMA. The heritage regime set by the Council is unbalanced and is not sustainable by its very design.</p> | <p>In our original submission:</p> |
| <p>56. The need for incentives, and a strategic objective in the District Plan like what we have proposed, is absent because the Council has failed to evaluate the effectiveness of the regulatory regime they favour. This situation also puts the plan at odds with Council's own Heritage Policy (2010).</p> | <p>Paragraph 132 onwards (Evaluation of the effectiveness and performance of the current regulatory settings is extremely limited)</p> |
| <p>57. We discussed a wide range of incentives within our original submission that are available to the Council and provided evidence of the negative consequences of the design of the current regime. We also highlighted issues with the ineffectiveness of the built heritage incentive fund and the lack of certainty of any support in the Council's heritage regime.</p> | <p>Specifically Paragraphs 138 -149 (discusses issues with the regimes incentives)</p> |
| <p>58. We highlight that most historic heritage is maintained by owners willingly without onerous regulated or mandated requirements. As an example, the Bowen State Building, now Defence House, was recently sympathetically re-designed by the firm Warren and Mahoney, winning numerous NZIA and other architectural awards, all without the burden of heritage protection.</p> | <p>Paragraph 172 onwards (No non-regulatory incentive options for protection have been considered)</p> |
| <p>59. Important historic heritage is heritage that; is valued by current residents, is anticipated will provide value to future residents, and helps to support cultural wellbeing.</p> | <p>Paragraph 262 (Defense House)</p> |

5 Definitions

60. The definitions in the plan lack consistency within the plan and in how they reference external definitions. We recommend that these issues are addressed, and the definitions are reworked. The definitions within the District Plan must work across the entire plan and not simply in the isolated provision in which they are applied.

5.1 Apply a consistent approach definitions and external references (415 Rec 11)

61. Definitions from other legislation should be consistency included or excluded from definitions within the PDP. Right now, we have a mixture of both approaches occurring. For example: for the definition of 'Infrastructure' the reader is required to go to the Act, while for other definitions like 'Qualifying matters' the meaning from the Act is provided within the PDP.

- 62. Referring to an external definition will allow for that definition to be modified in the external source (the Act for example). While changes may be uncommon, these external source changes may create an issue within the District Plan in the future where the description and reference are at odds with each other. To avoid this situation the Council may consider separating the 'definition' from 'guidance on interpretation' allowing the guidance to be updated without the need for a formal process of changing definitions within the District Plan itself.
- 63. We do not support the introduction of the terminology "qualifying matter area" in UFD-O3 as this is not defined in the District Plan. We prefer the phrase "an area where a qualifying matter applies".

5.2 Rework the restoration and restored definitions (415 Rec 12)

- 64. Restoration should be broadened from a focus of 'form' and 'heritage' to enable use for qualitative aspects especially in relation to environmental restoration.
- 65. Something that has been 'restored' appears to only consider environmental merits. How would this definition apply to historic heritage? This definition implies that the only way to restore an historic site is to remove all structures entirely.

RESTORATION	means an alteration to return a place to a known earlier form, by reassembly and reinstatement, and/or by removal of elements that detract from its heritage value.
RESTORED	means the rehabilitation of sites, habitats or ecosystems to support indigenous flora and fauna, ecosystem functions and natural processes that would naturally occur in the ecosystem and locality.

5.3 Rework the demolition and related definitions (415 Rec 13)

- 66. 'Demolition' is defined as only applying within Character Precincts – yet the term is used within historic heritage which is a plan wide matter.
- 67. 'Partial demolition' has a much broader definition that encompasses total demolition – given the whole building would be included within the definition of "any part" of the building. Yet 'total demolition' expands this beyond buildings and structures.

DEMOLITION	<i>for the purposes of Character Precincts</i> means the removal, destruction, or taking down of the primary form of any building, or additions and alterations (including partial demolition) that are so substantial that the primary form of the building is rendered illegible; or the removal, destruction, or taking down of architectural features or elements on the primary elevation(s) of any building. It does not include any work that is permitted as repair or maintenance.
PARTIAL DEMOLITION	alterations to demolish, destroy or remove part of any building or structure.
TOTAL DEMOLITION	means to completely destroy or demolish