

IN THE MATTER

of the Resource
Management Act 1991

AND

IN THE MATTER

of Submissions and Further
Submissions on the
Proposed Wellington City
District Plan

**Hearing Stream 3 Reporting Officer Right of Reply
of Adam McCutcheon on behalf of Wellington City Council**

Date: 5 July 2023

RIGHT OF REPLY AUTHOR

Adam McCutcheon

1. My name is Adam McCutcheon. I am employed as Acting Manager of the District Planning Team at Wellington City Council (the Council). My substantive role is that of a Team Leader in the District Planning Team.
2. I have prepared this Reply in respect of the matters in Hearing Stream 3 raised during the hearing.
3. I have listened to submitters in Hearing Stream 3, read their evidence and tabled statements, and referenced the written submissions and further submissions relevant to the Hearing Stream 3 topics.
4. The Stream 3 Section 42A Report section sets out my qualifications and experience as an expert in planning.
5. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023, as applicable to this Independent Panel hearing. I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.
6. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.

SCOPE OF REPLY

7. This Reply follows Hearing Stream 3 held from 9 May to 25 May 2023. Minute 1: Hearing Procedures required the Section 42A report authors to submit a written Right of Reply, including as a formal response to matters raised during the hearing.
8. The Reply includes:
 - (i) Feedback on specific matters and questions the Panel asks the Section 42A authors and subject matter experts to respond to in Minute 23.
 - (ii) Commentary on additional matters I consider it useful to clarify or that were the subject of verbal requests from the Panel at the hearing.

Heritage Issues:

Please provide the dates for the relevant steps in Figure 1 (page 23 of the Section 42A Report)?

9. Please see Appendix 1.

Please provide a list of partial heritage listings.

10. Please see Appendix 2.

Please provide a table identifying the location of the Section 77K/77J evaluation for heritage listings and heritage area provisions as appropriate, including a narrative summarising the different elements of the evaluation?

11. Please see Appendix 3.

What do Officers regard as appropriate consultation with property owners to allow them to propose scheduling of a) heritage areas, and b) individual heritage buildings.

12. There is no statutory requirement to undertake pre-engagement.

13. However, councils are often criticized for not doing enough engagement before including places on heritage schedules. My view is that it is good planning practice to make reasonable efforts to engage with owners of potential heritage listings in good faith should occur prior to an item being included in a notified heritage schedule. In this way, scheduling will not be a fait accompli, and owners should have the opportunity to engage meaningfully with a proposal to schedule a building.

14. The approach taken by the Council when it initially commenced a review of heritage listings is detailed in paras 101 – 105 of my [S42A report](#). This included creating an online map of possible listings, and sending letters to owners of proposed new listings inviting them to an open conversation about their listing, along with the ability to seeking further information.

15. In some cases, early engagement with property owners resulted in tangible changes to the nature or extent of listings proposed at notification. For example, it resulted in the proposed façade only listing for the Penthouse

cinema (item 505) and 233 Willis Street (item 525). This would not have occurred in the absence of early engagement. This did also however result in the total demolition of one proposed listing, two certificates of compliance for total demolition and one resource consent for total demolition. Accordingly, there are risks in undertaking early engagement.

Do Officers consider consultation is also necessary for contributing buildings in a a) Heritage Area and b) Character Area?

16. Noting that engagement is, in my view, a matter of good planning practice rather than a legal requirement, given the restrictions on land are comparable between scheduled heritage buildings and contributing buildings in heritage areas, my view is that consultation should also be undertaken in this context.
17. As for character precincts, the restrictions on land are significantly more than in the absence of character rules, such that all additions/alterations require resource consent.
18. However, in the case of character precincts I note though that the starting point for the comparative restriction of property rights is different given that the entire inner residential area of the operative district plan is currently subject to pre-1930s demolition restrictions.
19. Accordingly, those owners who are not in a PDP character precinct as notified but are within one recommended by officers in the [Stream 2 s42A report](#) are perhaps less likely to be caught by surprise about the 'reintroduction' of planning controls they are already subject to in the ODP.
20. I am less concerned that consultation could be viewed as necessary to add new properties in the character precincts than I am for heritage buildings and heritage areas.

How long does it take on average to assess a potential heritage building to the standards required by Council for scheduling?

21. Ms Smith has given a detailed response to this question in her Right of Reply. She details how the length of time varies depending on the level of information presently held, and whether any additional research is required.

To Ms Smith, would best conservation practice include a site visit of the property for the purpose of assessing a building as to its heritage values?

22. Ms Smith has given a detailed response to this question in her Right of Reply. She details how this is best practice, but there are some practical limitations around access that need to be recognised.

What influence, if any, does the condition of a building have on the heritage values of a building and/or the subsequent evaluation under ss32, 77K and/or 77J?

23. This will depend on the values that a building has been identified, recognised and proposed to be protected for. If those values are architectural, and its condition is degraded or damaged in such a way or to such an extent that those values are difficult to recognise then it may have a large influence.
24. If the values were social values or townscape values, the condition of a building may have comparatively less influence on heritage values.
25. Ms Smith at paras 339 and 340 of her evidence and in her Right of Reply advises that heritage assessments generally consider condition to the extent that condition affects the integrity of a place. She also states her view that a place can have significant heritage value even if in poor condition.
26. I do not see a direct relationship to the requirements of s77K and/or 77J. Those sections are concerned with the various justifications needed to depart from the MDRS.
27. I do see a relationship to the section 32 evaluation where the condition of a building may influence whether management through district plan provisions is the most efficient and effective method of managing identified values.
28. I have identified in my [s42 report](#) at paras 773 – 775 the tension I see at the lack of tools councils have available to them to protect heritage values in perpetuity other than listing in a district plan. My view is that even if in a poor state of repair, a place with significant heritage value is still able to be scheduled in a district plan, such that condition will have some but not a decisive influence on s32 tests for scheduling.

Given the consistent theme in the evidence suggesting that the Council's administration of heritage provisions under the ODP has sought to preserve heritage buildings and areas unaltered, significantly increasing the costs incurred by property owners as a result and potentially increasing the loss of property values accompanying heritage listing, is there a need for a greater

emphasis in the Heritage Chapter objectives, policies and rules on the desirability of adaptive reuse? If so, do submissions provide scope for further changes required to achieve that outcome?

29. I note firstly that any consistent theme in evidence suggesting that the Council has sought to preserve heritage buildings and areas unaltered is necessarily anecdotal, and is not one that I am satisfied is fair or reflects either the intent of the operative provisions or how they have been implemented by the Council.
30. It is also certainly not the intent of the provisions which I recommend.
31. In my view, the facts do not support the anecdotal assertions. I note that under the operative district plan almost all resource consents are granted for works to heritage buildings and within heritage areas. It may be that an applicant does not get exactly what they want (giving rise to the purported theme) but the provisions exist to initiate a process of negotiated outcomes ensuring that heritage values are protected whilst also enabling development to take place. Resource consent applicants are also able to bring their own heritage expert into the process and provide advice, which will be considered alongside the Council's heritage expert's advice, with the resource consent planner coming to their own determination.
32. The strategic objectives and chapter objectives for historic heritage include ensuring heritage places have a sustainable long-term use.
33. The introduction to the chapter clarifies that reuse is a desirable outcome where it supports a building having a sustainable long-term use. There are no rules in the heritage chapter limiting uses that may take place within a building, rather it is concerned with the extent and effect of any modifications undertaken to enable them. Land uses are managed by the zone-based rules. I have outlined this in paras 259 and 260 of my [s42A report](#).
34. The historic heritage chapter functions so that any additions and alterations required for any use (whether that be for an original use or reuse) do not detract from heritage values. I consider it appropriate and consistent with s6(f) that both these types of uses are treated equally.
35. With the stronger direction that an enabling approach be taken to works that ensure sustainable long term uses (recommended HH-P5), and assertive direction in the objectives that places are best protected when they have a

use, I consider that the PDP sufficiently addresses this matter.

Is greater clarity required regarding the rules governing non-scheduled items within heritage buildings/areas?

36. I agreed with the expert for Kāinga Ora, Ms Woodbridge, in my rebuttal evidence that a definition of 'non-scheduled building or structure' would be beneficial to include in the plan.

37. I recommend the following amendments to the definition I proposed:

'means – buildings and structures located on the same site of as a heritage building or heritage structure, ~~but which have been identified in-~~ ~~SCHED1 as being identified as of~~ have no historic heritage value.

Non-scheduled buildings and structures are identified as exclusions in the 'protections required' column of SCHED1 and excluded from the application of historic heritage rules, except for HH-R2 and HH-R9'.

38. I now also suggest that some introductory text be added to the chapter as follows to further assist.

1. Heritage buildings and heritage structures – These are individual buildings and structures that have been assessed as having significant heritage values. The exterior of most heritage buildings and heritage structures are protected in their entirety (including roofs). Some heritage buildings only have specific features protected, such as façades. A smaller number have their interiors or interior features protected. Known buildings and structures located on the same site as heritage buildings and heritage structures but do not have heritage value themselves are identified as -non-scheduled heritage buildings and structures'. These are listed as exclusions in the 'protections required' column of SCHED1 and the historic heritage rules, except for HH-R2 and HH-R9 do not apply to them'

Query whether HH-P9 should be amended to link the

suggested reference to appropriateness of an alternative siting to retention of relevant heritage values?

39. My view is the third clause of the policy could be split into two with no effect on interpretation.

Query whether renumbered HH-P16 sets too high a bar when it requires no detracting from heritage values, particularly given the focus in the following policy on significant adverse effects?

40. I agree that there should be a qualifier, and that it presently sets too high of a bar.

41. I suggest that the test be:

~~‘It will not detract from~~ There are no significant adverse effects on the identified values of the heritage area’.

42. There would still be a sufficient distinction between the repositioning policy (recommended HH-P16) and the relocation policy (recommended HH-P17) through the chapeau of the policies (only allow v avoid) and different activity statuses (Restricted discretionary v Discretionary).

Is there a need to clarify the activity addressed by renumbered HH-P17 to identify how “relocation... within heritage areas” differs from re-positioning as per the previous policy?

43. I agree clarification is needed as the rule title is confusing. It should be:

*Total demolition of contributing buildings and structures within heritage areas, and relocation of contributing buildings and structures **outside of a heritage area** (emphasis added).*

44. As I have explained in [my s42A](#) report para 373, the total demolition of a contributing building or its relocation *outside* of the heritage area have the same effects on the values of the heritage area and should be treated the same.

Is there a need to clarify the inter-relationship between recommended permitted activity and restricted discretionary activity rules where the activities in question overlap?

45. I think this is a broader plan drafting principle, such that this question is

equally applicable to zone based chapters and other district wide chapters too, not just the historic heritage chapter.

46. My view is that the rules of this chapter are sufficiently clear but perhaps the panel may wish to amend and see the efficacy of the drafting approach across the plan to determine if it is desirable to clarify.

Does Appendix A of the Section 42A Report need to be amended to include the recommendation contained in paragraph 492 of the S42A Report?

47. I recognise that the extent of redrafting and the formatting changes to remove standards has caused some confusion.

48. To clarify – the third clause of recommended HH-R21 (with respect to the medium and high-density residential zone) should be amended to include recommended HH-P2 (conservation plans) as a matter of discretion. This is presently missing in the recommended provisions.

49. In addition - the fourth clause of the recommended HH-R21 (with respect to 'all other zones') should refer to HH-P15, not HH-R15 as stated.

Has the resource consent for 32 The Terrace lapsed? If so, should renumbered Rule 27 be retained? And if it is retained, should the rule be amended to clarify what alterations it covers?

50. 32 The Terrace had a *consent order* confirmed through appeal ENV-2008-WLG-000152 in respect of Plan Change 58 filed by Braemar Holdings Limited on 18 August 2008. The standards and terms of the order at 1.2 of Appendix 23, [v1chap21.pdf \(wellington.govt.nz\)](#) have been 'rolled over' to enable permitted modifications at ground floor, while the extent of this order has been reflected in the schedule entry.

51. Being a consent order on a plan change, rather than a resource consent, I am advised it does not lapse after five years.

52. The intent of the rule is to enable building access, such as modifications to the front entry of the building (which is presently a single small door). I expect that opening the building up to enable ground floor edge retail or café may have been the intent.

Does Mr McCutcheon recommend an alternative description in renumbered HH-S1 for the 'BNZ Centre'?

53. Yes, I do. This should be the same as the operative district plan '*BNZ/Head Offices Heritage Area*'.

Please confirm a final view as to whether an amendment to the Character Precinct Rules for unreinforced masonry chimneys would be within scope (refer s42A report, paragraph 282), and if so, what amendment is recommended?

54. I confirm that an amendment to the Character Precinct provisions to introduce a bespoke policy for the removal of unreinforced masonry chimneys is out of scope.

55. Looking again at the demolition policy which would apply to such an activity to a pre-1930s building in a Character Precinct (MRZ-PREC01-P2) I am comfortable that the assessment sufficiently addresses the considerations of the Historic Heritage unreinforced masonry chimney rule (HH-P6), those being – condition, economics of retention, visibility and hazard risk. Given this, I am satisfied that there is no regulatory misalignment between the Character Precinct and Historic Heritage provisions for the management of these features and that no further amendments are required.

What is the Officer response to the argument presented for Argosy Property No. 1 Limited that the information requirements in renumbered Rules 12, 13, 23 and 25 are excessively onerous, and that not all of that information would be required in all cases?

56. The information requirements have been inserted as these matters are commonly traversed in resource consent applications for total demolition of heritage buildings and part of determining whether there are no reasonable alternatives. The requirements have been developed in consultation with Council's resource consents team based on previous and current processing of total demolition consents under the operative district plan policy framework, which is essentially the same as what I have recommended.

57. At present, the documentation is not always provided at lodgment and accordingly s92 further information requests are often made to obtain it. Given this is the case, it would be in my view more efficient to require the information up front. In that way it would be in the applicant's best interests that the work is undertaken up front and documentation readily provided.

58. If the Panel is of the view that the requirements are overly onerous, I suggest

that the heading 'Section 88 information requirements' could be removed and reworded to 'Advice note regarding information to be supplied with a resource consent application', or 'Recommended information to be supplied with a resource consent application'. This middle ground likely finds an acceptable balance where applicants are forewarned about the breadth and depth of information that will be traversed, such that they should not be surprised if a s92 request is received.

59. A further alternative which addresses situations where a particular information category may not be relevant to the particular application is to include "where relevant" in the identified rules. This will, however, have the potential effect of postponing any disagreement about the relevance of information sought by the Council's processing planner to a s92 request.

In relation to 20 Austin Street, Ms Smith suggested that work to fix leaking from the interior guttering should be accommodated. How is this proposed to be done?

60. I suggest that this be achieved by adding a note in the Historic Heritage Evaluation for the property detailing issues with the roof such that the processing planner is aware of the matter and works to resolve this are understood as a necessary outcome.
61. While a resource consent would still be required should the roof require re-pitching or other such works that are not addressed as repairs and maintenance, at least there would be common understanding that this is required to ensure a sustainable long-term use. The works would also be eligible for a \$2,500 resource consent reimbursement should they be supported by the heritage advisor.
62. I have considered whether the roof can be excluded from the Schedule 1 entry for the property. This would, however, have the effect of enabling new floor levels to be added without assessment against the historic heritage provisions which I do not view as desirable given the identified values of the place.
63. I note that the relief sought by the submitter with respect to this property - that it is contained within a character precinct instead - would also likely require a resource consent application for additions and alterations to the building under MRZ-PREC01-R5 if the work is not considered repairs and maintenance.

64. My point being that there is likely to be a requirement for resource consent whether the property scheduled as a heritage building or in a character precinct.

65. Ms Smith and I agree with the preferred solution as detailed in her Right of Reply.

Does the extent of heritage controls in the PDP over 1 Ranfurly Terrace deprive its owners of reasonable use of their home in terms of Section 85 of the RMA?

66. I do not consider that the extent of controls deprives the owners of reasonable use.

67. I note that the secondary relief sought by the submitter, that the description of the scheduling is 'tightened', has been recommended to be granted. I appreciate this is the only residential house with listing of the interior to such an extent.

68. The use and development of the site remains enabled by the PDP through a resource consent framework which employs a restricted discretionary activity status (and therefore enabling in terms of the NPS-UD) and policy direction to 'provide for' works that do not detract from heritage values.

69. I do not consider that this crosses the threshold set out in s85 whereby the land has been rendered incapable of reasonable use. Ms Smith has provided details of previous resource consents granted for works to the property and funding provided to the owner to support the ongoing use and development of the property, which demonstrates the place continues to be actively used.

70. I note that in the hearing an example of a new conservatory extension was offered as an example of an unreasonable resource consent requirement for this particular property. Additions and alterations of this extent would require resource consent to any heritage building and in this case the requirement is not onerous. In the event that the conservatory is a freestanding building, it would be a permitted activity under the historic heritage rules, provided it is less than 10m².

As regards the Penthouse Cinema, what is the Officer response to the owners' advice that redevelopment of the site pursuant to the resource consent that has been granted is now considered to be unviable?

Assuming the recommendation remains as per the s42A report, does the 'Facade and 10m' include the full extent of the two higher parts of the gabled roofs towards the street, but exclude the part of the building with the lowest gable roof towards the back?

71. I have not seen the information referenced to be able to consider the statement in any meaningful way and must take it at face value as stated during the hearing, that development pursuant to the granted resource consent to retain a functioning cinema on the site is unviable.
72. While unfortunate as a local amenity, the purpose of the listing (and in this case a façade only listing) is not to require that any redevelopment of the site continue to have a cinema as part of it.
73. I note that the site is subject to the 'non-residential activity' frontage standard (LCZ-S6.4) for the Local Centre Zone which requires that buildings be built up to the street edge on all boundaries and principal public entrances located on the front boundary.
74. Given that the current cinema entrance already meets these requirements, in my view the portion of the building proposed to be scheduled would make an ideal feature to be retained and adaptively reused in any the redevelopment of the site – whether that be for the granted resource consent, or for any new resource consent for the broader redevelopment of all the parcels owned by the MacLeod's (sites identified with a blue star in figure one below).
75. All these sites are zoned Local Centre with a 22m height limit. These total a significant area of 2,400m². The site of the Penthouse Cinema subject to the Historic Heritage rules is identified in black and white. Adjoining and adjacent sites would not be subject to the heritage rules.



Figure 1: Sites owned by the MacLeods

76. The extent of the proposed listing of the façade to a depth of 10m is shown on figures 2 – 4 below (see red line). All parts of the building extending into the depth of the site and at the rear of the site extending to the south can be demolished without consent under the historic heritage rules. Consent would however be required under LCZ-R17 as the site is subject to a non-residential activity frontage and would create vacant land unless redevelopment plans were progressed concurrently.



Figure 2: Depth of proposed facade listing



Figure 3: Extent of proposed listing looking south-east down Ohiro road



Figure 4: Extent of proposed listing looking north-east up Ohiro road

As regards Hurston House and the McLean Flats, does the Council have enough information to populate a listing? If so, please set out what would be inserted in the Plan if the Hearing Panel agrees with the reasoning of Heritage New Zealand Pouhere Taonga?

- 77. Yes, the Council does have enough information to collate a scheduled entry for these two entries.
- 78. This confirmation is provided by Ms Smith in her Right of Reply. I agree with her assessment.

What is the Officer response to the suggestion, in conjunction with the case presented in relation to 241 Tinakori Road, that the listing for 121 Hill Street should be deleted?

- 79. After listening to the submission of E W limited with respect to 241 Tinakori Road and the presentation of Mr Howard Symmes with respect to 121 Hill Street, my view is unchanged that the heritage area should cover both properties and that they should be identified as contributing buildings.
- 80. I continue to agree with Ms Smith on the contribution of 241 Tinakori road.
- 81. I note that both properties are located within a character precinct. The age of 241 Tinakori Road is disputed, but regardless is pre-1930, such that resource consent would be required under the character precinct provisions to demolish or alter the building. I am unaware what the owner's intentions are with the building.

82. 121 Hill Street was built in 1936 and the character precinct provisions for demolition would not apply. Accordingly, there is 'more at stake' with respect to its identification as a contributing building within the heritage area.
83. I note that no submission was received on 121 Hill Street specifically, so its reclassification to a non-heritage building is out of the typical scope of submissions.
84. I have sought the advice of Ms Smith who considers the classification in the Historic Heritage Evaluation as a contributing building is correct, and that it does not detract or adversely affect the values of the area such that it should be identified as a non-heritage building. I am satisfied that this should remain the case.

In relation to 28 Robieson Street, what weight should be given to the NZIA Award given that the exterior (at least) of the architecture in question does not appear to be 'enduring' very well?

85. All that the receipt of the NZIA award shows is that the place has value to that organization. If this was the only evidence, it might not carry much, if any, weight in the assessment. This factual event nonetheless forms part of the body of evidence why the place has significant heritage value. It is not the only reason why it has significant heritage value. The historic heritage evaluation report should be given weight, including, as a factor contributing to the overall evidence, the receipt of the award.

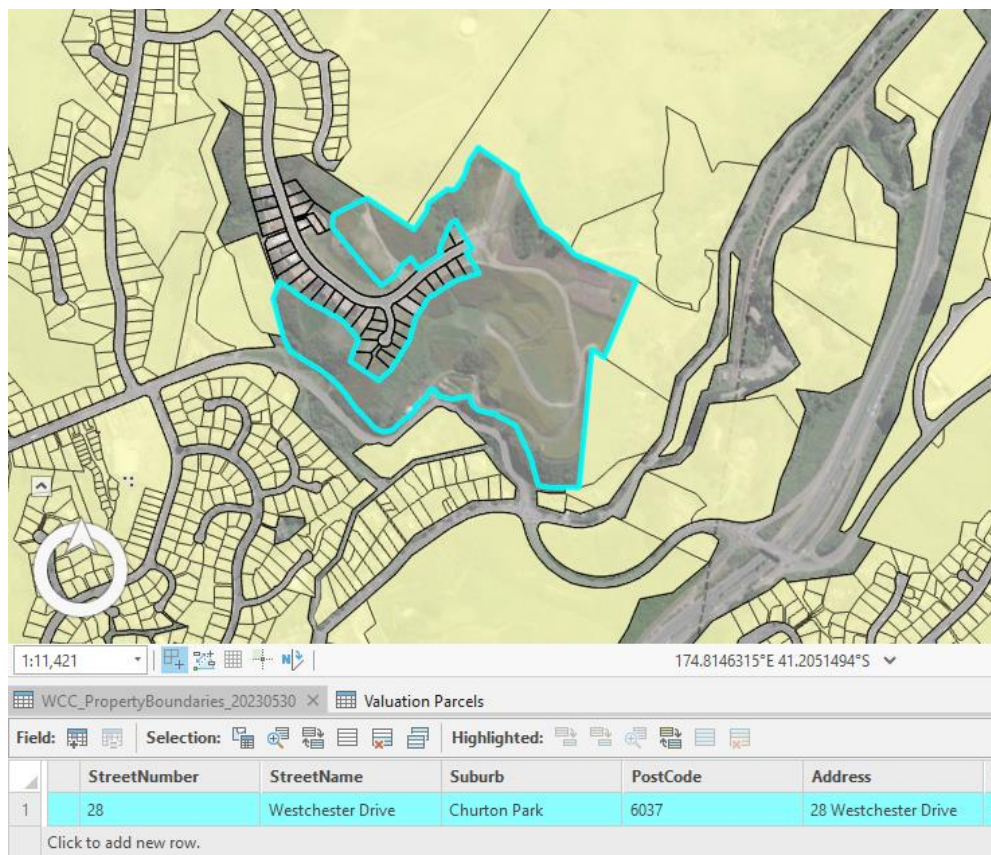
Have any submissions been made on the Regional Council Change 1 process vis a vis Policies 21 and 22?

86. No amendments to Policies 21 and 22 were notified as part of Plan Change 1 to the Regional Policy Statement.

Is it correct that 28 Westchester Drive does not appear on a search of the ePlan? If so, should this be corrected?

87. I have sought the advice of Ms Órla Hammond, Council's District Plan GIS expert on this question as it is technical in nature and solution. She advises that:

28 Westchester Drive is not appearing on the ePlan because it is not in the property parcel dataset that runs the property search tool (yellow areas below):



As the data in the ePlan is static, it does not get updated unless this is done manually. It appears that the subdivision in 28 Westchester Drive was being prepared for the ePlan. This is why this property was not included. This will be fixed when the property data is refreshed to a newer version, which is scheduled to take place shortly.

Is it possible to present a more 'plain English' version of the proposed definition of 'non-scheduled buildings and structures'?

88. Yes, see discussion in paragraph 37.

Is it desirable to clarify the meaning of 'conservation' in a heritage context?

89. The term 'conservation' is only used a few times in the plan provisions, notably recommended HH-P5 (Enabling approach to works), HH-P9 (Repositioning and relocation of a heritage building or structure), HH-P10 (Relocation of a heritage building or structure).

90. Conservation is defined in the ICOMOS NZ charter 2010 as:

Conservation means all the processes of understanding and caring for a place so as to safeguard its cultural heritage value. Conservation is based on respect for the existing fabric, associations, meanings, and use of the

place. It requires a cautious approach of doing as much work as necessary but as little as possible, and retaining authenticity and integrity, to ensure that the place and its values are passed on to future generations.

91. I am concerned that including a definition of a term which is used as an overarching principle in the heritage profession will contribute to confusion and conflict with the strategic objectives and chapter objectives that sets a clear direction that places be protected from inappropriate subdivision, use and development, and being well maintained, resilient and kept in sustainable long-term use.

92. Recognizing the difficulties and constraints created when incorporating documents by reference, the plan instead notes the ICOMOS charter more broadly in 'APP1 – Historic Heritage Advice notes', as a useful reference document. The purpose of APP1 is set out in the introduction to the chapter:

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

93. Overall, I do not recommend that conservation is defined in the plan or linked to the ICOMOS approach – the latter because of the difficulties created by incorporating documents by reference and essentially fixing them in time and place and requiring a plan change to update.

94. My view on the former is that it is better that the plan set out a policy and rule framework that follows conservation principles with least intervention activities treated more leniently than those which are more intrusive and require stricter regulation.

In relation to the definition of 'maintenance and repair':

Is there a need to clarify the extent of the ability to repaint and resurface as part of 'maintenance and repair'?

95. I have copied the version of the definition addressing the expert evidence of Mr Leary and the Heritage Professionals from my rebuttal below. This should be used as the starting point for further amendments.

MAINTENANCE AND REPAIR

means

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

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

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

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

.....

96. My view is that maintenance and repairs must be viewed as an activity in which a majority of owners by will *want* to do a good job, whereas a minority will look to dress up more significant work as maintenance and repair.
97. My sense of the discussions in the hearing was that there was some overlooking of the chapeau of the definition and much focus on the quasi standards contained within it.
98. For clarity the chapeau and focus is copied below (emphasis added).

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

99. I have noted in para 137 of my rebuttal evidence that the definition of maintenance and repair arguably needs to serve two purposes, which makes it near impossible to perfect for any possible number of permutations and buildings. It needs to:
 - (a) enable genuine repair and maintenance to parts of buildings to prevent or remedy deterioration; and

- (b) to prevent changes to buildings which should be addressed as additions or alterations.
- 100. By the former I offer the following examples –
 - (a) If a ball is kicked into a window of a heritage building and breaks the 1890s glass, it must allow for a readily available brand new replacement pane to be installed.
 - (b) If a wooden weatherboard is rotten beyond practical repair and cannot be treated and puttied, it must allow for a readily available replacement (likely of a different timber) to be installed.
- 101. In both examples, I recognise that there is heritage value in the original material, but a pragmatic balance must be found to enable prevention of further deterioration and enable places to be lived in or used comfortably and safely.
- 102. I cannot support a definition which would if interpreted strictly sees compliance action or resource consent necessary for material use which is no longer readily accessible.
- 103. By the latter I mean the definition should not –
 - (a) enable wooden windows to be replaced with aluminum or U-PVC ones without resource consent.
 - (b) Enable wooden weatherboards to be re clad with zincalume or other material not the same as the original or closest available equivalent.
- 104. While these works would prevent further deterioration (if there is any), they do not make good existing damaged or decayed fabric or prevent degradation of existing windows/weatherboards. Given this and the quasi standards in the definition this cannot be considered repairs and maintenance.
- 105. In respect of the question asked whether there needs to be clarification on the extent of painting and resurfacing – in my view my rebuttal definition provides the clarity that is sought that surface preparation and painting of an existing painted surface is permitted, but painting fabric that is not already painted is not considered repairs and maintenance.
- 106. With respect to changing the existing surface treatment, this is in my view reasonably clear with the removal of the word ‘including’ as contained in my rebuttal. This more clearly encompasses activities such as the below (figure

5), where bricks are being rendered where they are not at present.



Figure 5: Rendering of bricks

107. Given so much of the discussion had been around what kind of materials are being used - I recommend that the Panel consider whether the following amendments to move consideration of material type into the chapeau of the definition improves clarity, as well as small tweaks to reference permanence, and the existing state of the building.

MAINTENANCE AND REPAIR

means

- a. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric using materials the same as the original or most significant fabric, or the closest equivalent of a similar design or form; and
- b. regular and on-going protective care of a building or structure to prevent deterioration.

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

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

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

.....

(Black strikethrough is that recommended in rebuttal and the [s42A report](#)).

108. A clean version would read as follows:

MAINTENANCE AND REPAIR

Means

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

- a. To make good decayed or damaged fabric to keep a building or structure in a sound or weatherproof condition or to prevent deterioration of fabric using materials the same as the original or most significant fabric, or the closest equivalent of a similar design or form; and
- b. regular and on-going protective care of a building or structure to prevent deterioration.

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

- c. Demolition of any façade, exterior wall or roof;
- d. Changes to the existing surface treatment of fabric, including:
 - i. Painting of any previously unpainted surface;
 - ii. Rendering of any previously unrendered surface;
- e. Noticeable changes to the design or form of the fabric;
- f. The affixing of putlog or similar form of scaffolding directly to a building or structure;
- g. The permanent damage of fabric from the use of abrasive or high-pressure cleaning methods, such as sand or water-blasting

Do Officers have any suggestions as to how the situation should be addressed where the existing surfacing is not water tight because of a defective design/design specification?

More generally, if a building that is scheduled or proposed to be scheduled has critical design flaws (including inappropriate materials used) that make like for like replacement or repair impractical, how far are heritage values affected (retained or lost) by the necessary replacement of original materials with substitutes that correct these flaws, to enable ongoing sustainable use? What is the consent process that is required to undertake such work, and will the policies and rules as currently worded allow for such replacement?

109. For clarity, I would consider that the replacement of untreated timber cladding with new timber of similar type, profile and form to be replaced as a permitted activity.

110. I have recommended changes to the definition to ensure this is the case and

this is the proposed remedy to the first question asked how the shortcomings of existing surfacing can be addressed.

111. If there is no possibility that a heritage building can be repaired or maintained using the same or closest equivalent materials, a resource consent would be required for alterations and would be assessed against recommended HH-P7 (additions, alterations and partial demolition of heritage buildings and structures).
112. This policy requires that work 'does not detract from heritage values'. This will be the test against which the use of materials other than the existing or closest equivalent will be assessed for level of effect.
113. This assessment will need to be undertaken in the context of the objectives of the chapter which seeks dual outcomes; that heritage values are protected from inappropriate subdivision use and development, and; providing sustainable long term uses (HH-O2 and HH-O3).
114. If a place is scheduled in large part for its architectural values and integrity, it may be that significant changes to the materials used will produce a level of effect such that it unacceptably detracts from heritage values and resource consent be declined. On the other hand, it may not. It depends so much on the merits of proposal and the relative level of effect.
115. I anticipate that the Panel may be seeking more certainty than this response provides. However, it is inherently difficult to provide a rule framework that dictates the outcomes related to what are fundamentally subjective values and we are of course dealing with theoretical scenarios. This is not an uncommon issue in plan-making. Since these issues are so fact-specific (eg, as to the particular materials, degree of design flaws, practicability of repair, and heritage values engaged), I conceptualise the issue as being about providing for a reasonable framework to guide decision-making in the particular case.

Please clarify the Officer position in relation to the Wharanui Apartments practice of routinely replacing windows?

116. My view is that the Wharenui Apartment company is doing a good job at protecting the heritage values of the building and keeping it in a good state of repair through their program of rotating through restored windows that have already been removed from the building many times.

117. I understand that they are the original windows or windows which at one point were made up to match closely the original windows such that there is no reasonable distinction between them. This is within the discretion of council officers in determining the works are repairs and maintenance.

Is there a case to add Green and Emmett Street to the Newtown Shopping Centre Heritage Area given the orientation of the residences on those streets to the commercial properties on Riddiford Street?

118. The Newtown Shopping Centre Heritage area is focused on the commercial role and function and accordingly architectural form and style of buildings within the Centres zones. The buildings within the heritage area front Riddiford Street.

119. In comparison, the residential zoned bungalows on Emmett and Green Street front their respective streets (see figure 6 below) are of different architectural styles and have different values to the existing heritage area. As such, in my view they are not part of the story of the Newtown Shopping Centre Heritage Area. No heritage areas in the ODP or PDP cross zone boundaries.

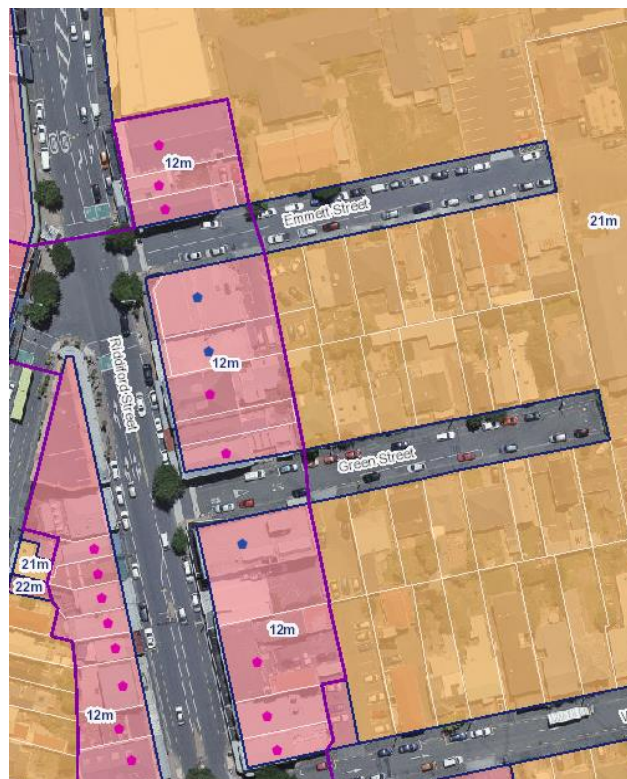


Figure 6: Extent of Newtown shopping centre heritage area

Would the values of Salisbury Garden Court be more appropriately addressed in a Character Precinct? – and if so, is there scope and a Section 77L Evaluation that would permit that

relief to be adopted?

120. In the first instance I refer to Ms Smith's evidence that the Salisbury Garden Court possesses significant heritage values justifying that the historic heritage provisions provide recognition of this and engaging the Council's responsibilities under s(6)(f).
121. I am not convinced that the submitter's concerns about the function of the heritage rules are any better remedied through the application of the character precinct rules. There are still rule triggers for the types of works identified as being frustrating for owners, such as the alteration of buildings to put in different and bigger windows and doors, and the construction of accessory buildings.
122. In this way I do not think that the values are better managed through the application of the Character Precinct provisions, nor is it more efficient for the owners.
123. I am supportive of Ms Smith's recommendation that a conservation plan be developed for the area which would help expedite the processing of resource consents for owners and establish what are the most important features of the area, and those which contribute less and cope with a greater degree of change.

What is the Officer response to the Lower Kelburn Neighbourhood Group presentation by Dr McIntosh – is there a case for a heritage area to be identified south of Bolton Street?

124. After considering the presentation by Dr McIntosh, my view is unchanged that there is not at present enough information to support a heritage area in the area south of Bolton Street. It may be the case that notable people have lived or live there, but much more detailed analysis is required to determine whether the area meets the criteria for scheduling.

Please provide a tabulated comparison of the provisions of the Civic Square Precinct on the one hand, and the controls that would be in place if it remained as a heritage area with the Central Administration Building, the Municipal Administration Building and the Michael Fowler Centre identified as contributory buildings on the other?

125. Please see Appendix 4.

Is the history of the Kahn Family relevant to or a required

element of the history of 53 Trelissick Crescent?

126. Kahn house is proposed for scheduling primarily because of its connection to Plischke.
127. The history of the Kahn family is relevant in so far as it contributes to the story of the place, but it is not decisive. It does not increase the significance of its values such that if the Kahn's were not the clients it would not meet the threshold or be recommended for scheduling.
128. Much of the history of the Kahn family is already publicly available as noted by Ms Smith in her Right of Reply.

In relation to renumbered HH-R6, should the test be whether internal changes to floor levels and structural upgrades are 'externally visible' or visible from a public viewing point?

129. I am comfortable with adopting the latter approach.
130. The intent is to address situations where works are visible from footpaths or adjoining streets. I recognise that 'externally visible' is broader in that it might capture works that are visible from private alleyways or some other publicly inaccessible location.

What is the Officer response to the Wellington Branch NZIA critique of the Heritage Design Guide?

131. My response has been stated in the relevant sections of my [S42A report](#) with respect to the submission of Foster + Melville and I have no supplementary comments. I understand that the submission was targeted in direct response to a resource consent currently in contention between the submitter and Council's heritage advisors.
132. It was clear from the presentation that there is an apparent tension between some professionals with heritage expertise and those with urban design and architectural expertise as to what good heritage and urban design outcomes look like for specific buildings. I do not think I am able to resolve such matters through the district plan provisions.

Is Guideline 5 an appropriate guideline for the Heritage Design Guide i.e. is it an issue of urban design?

133. No. The guideline should be removed.

134. I note that there is a policy and rule in the Three Waters Chapter (THW-R3) concerned with runoff from copper and zinc building materials, but I do not consider this is a matter of urban design or that the guideline adds anything.

In relation to Heritage Design Guide, is there a need to clarify what is meant by third party advertising?

135. I can understand that in absence of a definition of 'third party advertising' it is a little opaque what is meant.

136. I suggest though that the most appropriate place to address this is through a plan definition and explanatory content in the Signs chapter.

Should Heritage Design Guide Guideline 16 be qualified to relate to the situation where there is material physical evidence of an original shopfront design?

137. I do not consider that the guideline needs to be qualified to relate to only where physical material exists to restore and reconstruct shopfronts. In my view, where there is documentation ie photographs or plans of the original physical appearance, this should be considered as an option in prospective development as it can enhance heritage values.

138. Ms Smith has addressed this guideline in her right of reply and I support her recommended amendments (copied below) which have the effect of 'softening' the guideline, bringing it more into line with the remainder of the guidelines (worded as 'consider').

Sites and areas of significance to Māori

Please confirm a final view on whether there is scope to show streams currently identified in Schedule 7 as a corridor on the ePlan maps?

139. I confirm that upon rereading the submissions, my suggestion to expand the width of awa lines to corridors is out of scope. Given this topic was notified under the Part One, Schedule One process, there is little further avenue for change.

Please advise the Officer view as to how the application of SASM R3 might be clarified where there are no identified key features in Schedule 7?

140. I suggest a two-fold approach where the rule title is amended to:

'Modification of those parts of a Category A or B site or area of significance to Māori features specifically identified in the 'features integral' column of SCHED7 integral to a Category A or B site or area of significance to Māori identified in SCHED7'

141. And secondly, the following introductory text be added to the chapter:

'To ensure the effects of development on the mana and unique significance of each site and area is managed, the extent of each site has been mapped. The provisions of this chapter apply to the use, development and activities within this identified extent. Rule SASM-R3 only applies where modification of those parts of a Category A or B site or area of significance to Māori specifically identified in the 'features integral' column of SCHED7 is to occur. Where there are no features listed as integral to the site, or the identified features are not to be modified, this rule does not apply.'

What is the Officer view of the suggestion from the Tyres Stream Group that Schedule 7 should include the major stream flowing down from Mount Kaukau?

142. I am hesitant to recommend applying the SASM provisions to this particular stream.
143. I note that the particular tributaries to the Waitohi Stream identified in the PDP as SASMs were based on advice from Ngāti Toa Rangatira as to significance, and that they are best placed to advise.

What is Officers' final view regarding Mr Murcott's suggestion that the location of the stream bed through the Thorndon area be shifted to show its route through the Queen Margaret College grounds and across Hobson Street?

144. My final view is the same as that I expressed in my [S42A report](#) at paragraph 1518 where I stated that it is apparent that Mr Murcott has a great deal of detailed information on the course of the awa and that it is a minor change.
145. I also noted at para 1501 I cannot be sure the dataset used to identify it in the

PDP (the 2008 Regional Council data) can be entirely accurate given it represents features over 160 years ago.

146. For this reason I said that I could support the amendment, but ultimately as with the Waitohi stream question, mana whenua should advise as to the importance of this.

Notable Trees:

Can Officers provide any suggestions as to how the rules might provide criteria for identification of notable trees in terminal decline?

147. I have sought the advice of Mr William Melville in relation to this matter.
148. Mr Melville has reconsidered his view and is now in agreement with Mr Partridge that the terminal decline component of TREE-P7, TREE-R3.1.a and TREE-S3 should be removed. He notes that:
- ‘It will not be possible [to] provide a defined criteria of terminal decline to include in the PDP as it is species specific and has too many contributing factors’.
149. He notes that as Mr Partridge has identified, the provision to remove a tree that poses a health and safety risk accounts for any immediate need to remove a tree.
150. I agree with Mr Melville.
- What is the Officer view of an expansion to the note in Tree – R2 advising that infrastructure activities within the Root Protection Area of Notable Trees are controlled under the Infrastructure Chapter?*
151. I am supportive of expanding the note in TREE-R2 to note that all infrastructure and notable tree activities are dealt with in the Infrastructure-Other overlays chapter.
152. I note my suggestion at para 1406 of my [S42A report](#) that the relevant standards for disturbance of the root protection area be carried over into that chapter to retain the same permitted approach.

Is it desirable to state in Tree - S4 that hydro excavation is a fallback mechanism if other mechanisms are not

available/appropriate?

153. I have sought the advice of Mr William Melville in relation to this matter.
154. Mr Melville advises that yes, it is desirable that it be stated in TREE-S4 that hydro excavation is a fallback mechanism if other mechanisms are not available/appropriate.

Does the Council have data as to the girth (and therefore diameter) of all notable trees? If so, what is the Officer view of Mr Partridge's suggestion that the root protection area based on 12 times the diameter be shown on the ePlan maps?

155. Yes, for all but a handful of trees this data is available and can be manually revised.
156. I am supportive of Mr Partridge's suggestion that the ePlan maps are revised to show the 12 times stem diameter as the root protection area.
157. My concern was always that neighboring property owners would not always know the extent of the root protection area of a notable tree, whereas people are reasonably au fait with understanding the right that they can typically trim branches that overhang their property.
158. Aligning the mapping with the calculation method will help with this issue.

Additional matters:

17 Parkvale Road

159. Following the hearing I received an email from Mr Tim Hawley, a trustee of 17 Parkvale Road (a building the Wellington City Council has included in its submission be added to SCHED1).
160. This building was assessed and included in the Council's submission at the request of Mr Hawley. I recommend at para 966 of [my S42A report](#) that the building be added to SCHED1.
161. Mt Hawley subsequently advised that the rest of the trustees do not support listing. It had not been apparent to the Council until this point that the property was owned in a Trust.

162. I put this new information before the Panel at the request of Mr Hawley, but do not change my recommendation that the place meets the criteria for listing and should be added to SCHED1.

Olympus apartments

163. I clarify that as part of owner pre-engagement for Plan Change 53 (Listed Heritage Buildings) the council entered into conversations with the owners of Olympus Apartments at 280 Oriental Parade (#510) regarding proposed listing.
164. The listing was not included in the notified plan change and as such was known as a 'deferred' listing.

Amendment to HS3-Rec126

165. Following discussion at the hearing, I recommend that the application section of the heritage design guide be amended as follows (blue text):

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

Advice from Heritage New Zealand

166. There was some confusion about the clause in recommended policies HH-P7 and HH-P14 with respect to 'any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga'. It was considered unfair that owners should have to seek advice from HNZPT when places are not otherwise listed by HNZPT.
167. I confirm that this reference to HNZPT was only intended to be in relation to places that are entered on the New Zealand Heritage List/Rārangi Kōrero (the List) as Category 1 or 2 Historic Places or Historic Areas.
168. Accordingly, I recommend that clause HH-P7.5 and HH-P14.6 be amended as follows:

HH-P7.5

'any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga where

entered onto the New Zealand Heritage List/Rārangī Kōrero as a Category 1 or 2 Historic Place'

HH-P14.6

'any advice that has been obtained from a suitably qualified heritage professional including Heritage New Zealand Pouhere Taonga where entered onto the New Zealand Heritage List/Rārangī Kōrero as an Historic Area'.

HH-P3 (Internal works)

169. In my [s42A report](#) I recommend amendments to activity statuses for some internal works such that internal earthquake strengthening and new floor levels visible from the exterior require a controlled activity resource consent.
170. I altered the internal works policy (HH-P3) to reflect this. On reflection, given that all other internal works are permitted, it remains appropriate to keep the policy as an 'enable' one, rather than a 'control' policy. In my view 'enable' also provides sufficient policy direction for controlled activities, given they must be granted resource consent, and reverting to the notified proposal does not cause any further issues.
171. My recommended policy is also slightly clumsily worded such that I have inadvertently 'included' scheduled features in this enabling policy, whereas they should be excluded.
172. My final recommendation (from the notified version) is as follows:

HH-P3 (Internal works)

Enable works internal to [built heritage](#), except where they works involve interiors or interior features which are specifically scheduled.

- ~~1. The works involve interiors or interior features which are specifically scheduled; or~~
- ~~2. New floor levels that will be visible from the exterior of buildings.~~

Demolition by neglect

173. Discussion was had between me, the Panel and Wellington's Character Charitable Trust (WCCT) on the matter of 'demolition by neglect'. In particular

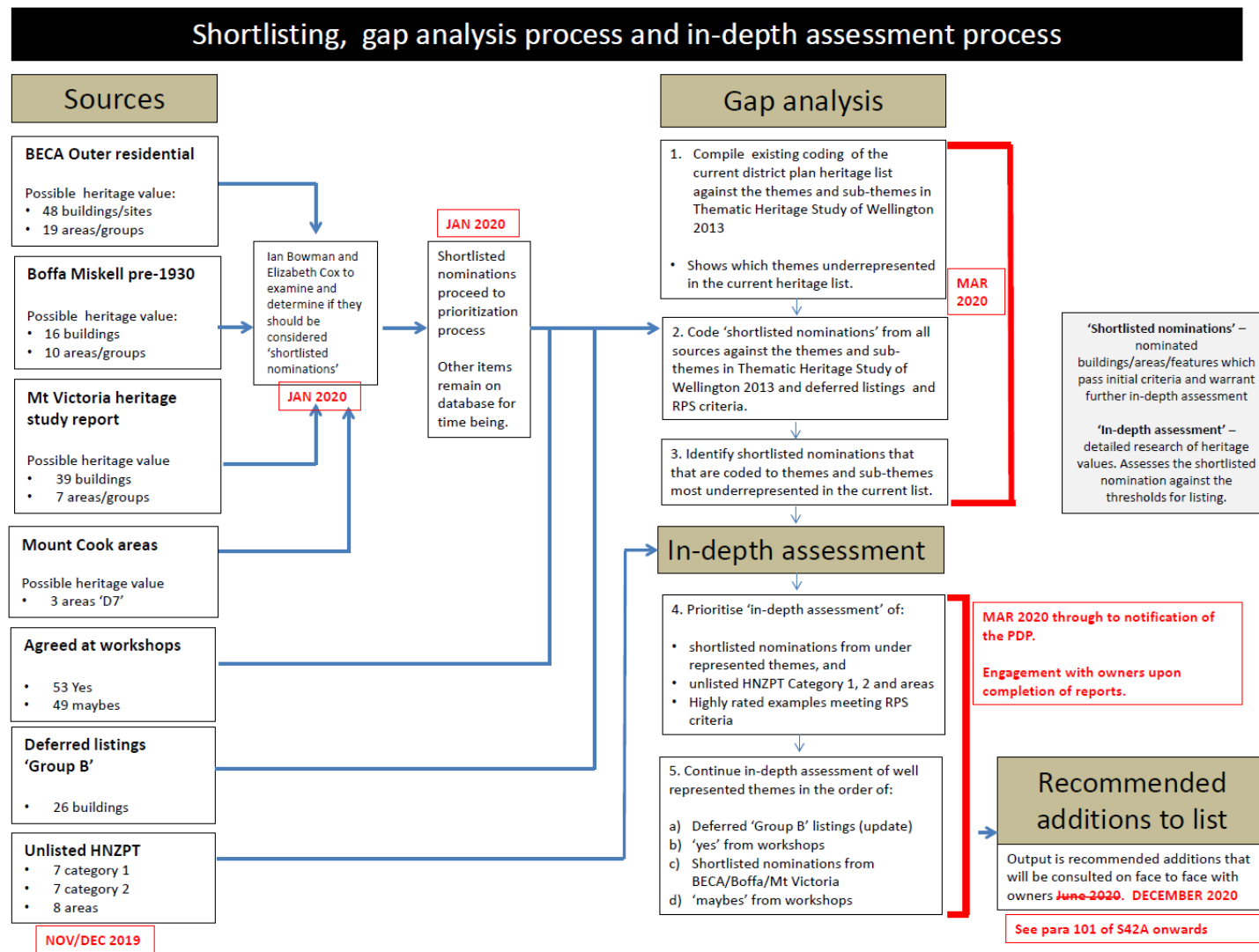
the efficacy of my recommendation at HS3-Rec17, and my agreement with the minor wording amendments in the legal submission of WCCT.

174. I agree with the Panel's comments that it is somewhat opaque what my amendment asks a resource consent planner to consider, and how it will address demolition by neglect considerations.
175. I still consider, as per para 176 of my [S42A report](#), that it is not desirable to include a 'blanket' policy which has the effect of not requiring consideration of building condition in resource consent applications for total demolition.
176. I have revisited my recommended amendments and offer the below revised drafting which in my view is clearer in its intended application.

<p>HH-P10 HH-P11</p>	<p><u>Total demolition of heritage buildings and heritage structures</u></p> <p>Avoid the total demolition of heritage buildings and heritage structures unless it can be demonstrated that there are no reasonable alternatives to total demolition, including:</p> <ol style="list-style-type: none">1. Undertaking maintenance and repair - considering the extent to which any earlier deferral has negatively impacted building condition while producing financial savings where poor building condition is a factor in the intention to demolish; including the extent to which it has been regularly undertaken;2. Seismic strengthening;3. Additions, alterations or partial demolition, including to enable reuse;4. Repositioning; and5. Relocation.
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Appendix 1 – Dates of shortlisting, gap analysis and in-depth assessment process

Red text is that added since release of the [s42A report](#) to respond to minute 23 questions



Appendix 2 – Partial listings

DP Ref #	Address	Name	Legal Description	Protection required	Values	HNZPT #
10.1	1-5 Allen Street (270-274 Wakefield Street)	Warehouse (former)	LOT 7 DP 1302	Listing includes Allen Street and Wakefield Street facades and extents as part of the Courtenay Place Heritage Area	A,B,C,F	
44	2 Bunny Street	Wellington Railway Station	Part Lot 1 DP 10550	Listing of exterior includes the three street facades, including the Thorndon Quay addition and the roof line of all buildings without the air-conditioning units Listing of the interior includes the main concourse (original entrance portico, ticket lobby, concourse entry & concourse), and the plaques in the office entrance	A, B, C, E, F	Historic Place Category 1, 1452
62	10-12 Courtenay Place	Westpac Building	PT DP 8572	Listing includes front façade - first floor and above only	A, B, C, F	
63.1	11-13 Courtenay Place	Commercial building	LOT 1 DP 372660 - INT IN ESMT	Listing includes front facade - first floor and above only	A, B, C	Historic Place Category 2, 1403
63.2	15 Courtenay Place	Courtenay Chambers	LOT 2 DP 85056 - 1/2 SH IN LOT 1 DP 61326 - SUBJ TO PARTY WALL - COURTENAYCHAMBERS -	Listing includes front facade - first floor and above only	B, C	
63.4	31-39 Courtenay Place	Griffith's Building (former)	LOTS 2 3 DP 2277 PT SEC 277 TOWN OF	Listing includes front facade - first floor and above only	A, B, C, E	Historic Place Category 2, 3652

			WELLINGT ON - INT IN ROW			
63.7	45-47 Courtenay Place	Athenic Building	PTS SEC 277 TOWN OF WELLINGT ON -INT INR/W - ATHENIC BLDG -	Listing includes front facade - first floor and above only	A, B, C	
63.8	49-53 Courtenay Place	National Bank Building	DP 6805 & PT SEC 277 TOWN OF WELLINGT ON - NATIONAL BANK BLDG COURTEN AY PLACE	Listing of the exterior includes front facade above ground level only. Listing of the interior includes the entrance lobby, banking chamber, the stair well at the rear of the banking chamber and the main stair well.	A, B, C, F	
63.9	55 Courtenay Place	Hooson's Building (former)	ALL DP 6180 ALL DP 10663 - INT IN ROW- 29 M2 GLAZED ROOF & BALCONY IN COUNCIL AIR SPACE	Listing includes Courtenay Place and Tory Street facades only	A, B, C, F	Historic Place Category 2, 3641
66.2	66-72 Courtenay Place	Victory Buildings	LOT 8 & PT 9 DP 5285	Listing includes front facade - first floor and above only	A, B, C	
67.2	83 Courtenay Place	A&T Burt Ltd Building (former) / St James Theatre Foyer	LOT 1 DP 84933 ALL PLANS A 880 & A 890PT SECS 246 247 253 TOWN OF WELLINGT ON - A 880 & A 890 SUBJ TO & INT IN ROW- PT LOT 1 A 890 SUBJ TO ROW DP 84933-	Listing includes front facade - first floor and above only	A, B, C, F	

			ST JAMES THEATRE			
85.1	168-174 Cuba Street	Maguire's Building	PT SEC 151 TOWN OF WELLINGTON	Listing includes front facade - first floor and above only	A,B,C,F	Historic Place Category 2, 5365 and Cuba Street Historic Area 7209
88	192-194 Cuba Street	National Bank Te Aro Building (former)	LOT 1 DP 83518 - UP 83628	Listing of the exterior includes Cuba Street and Vivian Street facades only Listing of the interior includes the entrance foyer and the ground floor Banking Chamber - including the ceiling, pillars and dome.	A,B,C,F	Historic Place Category 1, 3634 and Cuba Street Historic Area 7209
89.3	203-205 Cuba Street	People's Palace Hotel North Annexe (former)	LOTS 1 2 DP 366988 (LOT 2 BEING 2058 M2) - SUBJ TO ROW	Listing includes front façade only	A,B,C,F	Historic Place Category 2, 5359 and Cuba Street Historic Area 7209
89.4	207-219 Cuba Street	People's Palace Hotel Main Building (former)	LOTS 1 2 DP 366988 (LOT 2 BEING 2058 M2) - SUBJ TO ROW	Listing of the exterior includes the front façade only Listing of the interior includes the entrance lobby including tiled floor	A,B,C,E, F	Historic Place Category 2, 3626 and Cuba Street Historic Area 7209
91.1	243-245 Cuba Street	Commercial building	LOT 4 DP 19320	Listing includes front facade from ground floor up	A,B,C,F	Historic Place Category 2, 3625 and Cuba Street Historic Area 7209
96	86 Customhouse Quay	AMP Building (former)	LOT 2 DP 81539	Listing of the exterior includes the southern and eastern facades. Listing of the interior includes the plastered timber barrelled vaulted entrance way, the Grand Space containing the	A,B,C,E, F	Historic Place Category 1, 209

				marble columns and doorway.		
116	110-114 Featherston Street	Dominion Farmers' Institute (former)	LOTS 1 2 4 DP 3373 & LOTS 2 3 BLK IV THORNDON RECLAMATION-DOMINION FARMERS BLDG / SEABRIDGE HSE	Listing of the exterior includes the Featherstone Street and Ballance Street facades only Listing of the interior includes the corner entrance lobby and the two entry doors.	A, B, C, F	Historic Place Category 2, 1359
123	23 Frederick Street	Wellington Chinese Masonic Society Building	ALL DP 7326	Listing includes the front façade only	A, B, C, E	
124	40-46 Frederick Street	Chinese Mission Hall	PT SEC 231 TOWN OF WELLINGTON (A1863)	Listing includes the front façade only	A, B, C, E	4 - proposed
182	165-177 Lambton Quay	Kirkcaldie and Stains Department Store	LOT 11 DP 10804	Listing includes the Lambton Quay, Johnstone Street and Panama Street façades only	A, B, C	Historic Place Category 2, 1402
188	280-284 Lambton Quay	Kelburn Chambers	LOTS 1 2 DP 57055 - INT IN ROW	Listing includes the Lambton Quay and Cable Car Lane façades only	A,B,C,E, F	Historic Place Category 2, 1433
216	34 Molesworth Street	Backbencher Pub and Café	LOT 2 DP 318644 - SUBJ TO ESMTS ON DP323347	Listing includes the Molesworth Street and Kate Sheppard Place facades only	A, B, C, E, F	Historic Place Category 2, 1449
246	348-352 Oriental Parade	Apartment Building	LOT 2 DP 61622 - SUBJ TO & INT IN ROW & ESMTS ON DP 73339	Listing includes the front façade only	A, B, C, F	Historic Place Category 2, 2893
278	25-29 Taranaki Street	Taranaki Street Police Station (former)	LOT 1 DP 88921 - SUBJ TO & INT IN ROW	Listing of the exterior includes the front facade only Listing of the interior includes the internal staircase	A, B, C, D, F	
280	29-37 Taranaki Street	New Zealand	LOT 3 DP 87370	Listing includes the front facades only	A, B, C, D	

		Automobile Association (former)				
338	29 Waterloo Quay	Hotel Waterloo	LOT 1 DP 10748 - REG NO 289726.1	Listing includes north and east facades only	A, B, C, E, F	Historic Place Category 2, 3610
345.1	82 Willis Street	Evening Post Building (former)	LOT 1 DP 324773 - SUBJ TO & INT IN ROW	Listing includes Willis Street façade only	A, B, C, F	Historic Place Category 2, 3621
345.2	92-96 Willis Street	Preston's Building	PT LOT 1 DP 62238 - 2 M2 BOLLARD S ON ROAD RESERVE	Listing includes Willis Street façade only	A, B, C, F	Historic Place Category 2, 3622
353	254-266 Willis Street	Dominion Training School for Dental Nurses (former)	SECS 4 6 9 SO 38222 PT SEC 1 SO 20059	Listing includes all facades only	A, B, C	Historic Place Category 2, 1350
374	79-85 Manners Street	Bank of New Zealand - Te Aro Branch (former)	LOT 1 DP 86037	Listing of the exterior includes the Manners Mall and Cuba Street facades only Listing of the interior includes the ground floor banking chamber including the columns, ceilings, decorative wooden elements beneath the windows, window surrounds and stair well	A, B, C, F	Historic Place Category 1, 1338 and Cuba Street Historic Area 7209
408	1 Taranaki Street	Circa Theatre	LOT 1 DP 82019	Listing includes street facades of the former Westport Coal Company only	A, B	
468	32 The Terrace	Braemar	PT LOT 1 DP 6645-BRAEMAR BLDG	Listing includes front facade (eastern elevation) to a depth of 5m, and 9 metres of the side facade (northern elevation), as measured from the front facade (eastern elevation) only.	A, B, C, E, F	Historic Place Category 2, 1341

469	186 Oriental Parade	House	SEC 2 SO 20814 LOT 2 DP 5221	Listing excludes rear portion of house, rear retaining walls, and front boundary wall, existing and extended raised patio area, landing area, balustrades and capping.	A, B, C, E, F	
505	205 Ohiro Road	Penthouse Cinema	LOT 22 DP 392, LOT 1 DP, 4950, PT LOT 21 DP 392	Front art deco façade to a depth of 10m from edge of southern verandah	A, B, C, E, F	
525	233 Willis Street	Commercial Building	PT LOT 7 DP 557	Listing is for façade only	A, B, E, F	-

Appendix 3:

Please provide a table identifying the location of the Section 77K/77J evaluation for heritage listings and heritage area provisions as appropriate, including a narrative summarising the different elements of the evaluation.

Section 77J Requirements in relation to an evaluation report (applies only to heritage buildings and areas added through the ISPP)	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
... (3) The evaluation report must, in relation to the proposed amendment to accommodate a qualifying matter,— (a) demonstrate why the territorial authority considers—				
(i) that the area is subject to a qualifying matter; and	<p>Historic heritage is listed in the NPS-UD as a qualifying matter by virtue of being a s6 matter.</p> <p>Detailed heritage reports exist for all these places demonstrating why they meet the significance criteria in the RPS, policy 21 and are accordingly a QFM being a s6 matter.</p> <p>See reports at: Plans, policies and bylaws - Hearing stream 3 - Wellington City Council</p>	<p>Identified in:</p> <p>7.0 Overview of Proposal 8.0 Qualifying Matters</p> <p>See reports at: Plans, policies and bylaws - Hearing stream 3 - Wellington City Council</p>	<p>See 4.11 through 4.13 of the s42A report for recommendations to list based on s6 QFM grounds.</p> <p>See evidence in chief of Ms Smith</p>	N/A
(ii) that the qualifying matter is incompatible with the level of development permitted by the MDRS (as specified in Schedule 3A) or as provided for by policy 3 for that area; and	<ul style="list-style-type: none"> The s32 report addressed historic heritage as a qualifying matter in the context of s77K and 77Q. Much of the assessment is the same and commentary is the same for new and existing heritage listings. <p>In so far as relates to the MDRS –</p> <p>The proposed zoning for residential zoned heritage areas is the Medium Density Residential Zone which incorporates the MDRS. ie they are the underlying built form standards However, all new buildings (including residential units) and alterations to an existing building (if that were to increase bulk and form enabled by the MDRS) require a resource consent.</p> <p>For individually scheduled buildings in either the MRZ or HRZ the MDRS are the underlying built form standards for a</p>	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in:</p> <p>8.0 Qualifying Matters</p>	N/A	N/A

	<p>permitted activity. Again, however, all new buildings (including residential units) and alterations to an existing building (if that were to increase bulk and form enabled by the MDRS) require a resource consent.</p> <p>In so far as it relates to Policy 3 –</p> <p>Heritage areas in the CCZ and Centres zones have maximum building heights lower than that otherwise directed by policy 3(a)(c) and (d), and in comparison to parts of the zone not within a heritage area.</p> <p>The maximum buildings heights for heritage areas in the CCZ and centres are specified in HH-S1.</p>			
<i>(b) assess the impact that limiting development capacity, building height, or density (as relevant) will have on the provision of development capacity; and</i>	<p>This is addressed on a historic heritage wide basis (ie, grouped together).</p> <p>Impact on development capacity has been modelled, albeit not in time for the s32, but in time for hearings.</p>	Wellington City Qualifying Matters Assessment November 2022 – Property Economics	N/A	N/A
<i>(c) assess the costs and broader impacts of imposing those limits.</i>	<p>This is addressed in economic terms through the ‘Qualifying matters assessment November 2022’.</p> <p>Broader environmental, social and cultural costs and impacts are identified in Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) for the heritage provisions and schedules (which collectively limit development capacity).</p>	Wellington City Qualifying Matters Assessment November 2022 – Property Economics see section 5.1 HERITAGE BUILDINGS, STRUCTURES, AND AREA	N/A	N/A
<i>(4) The evaluation report must include, in relation to the provisions implementing the MDRS,—</i>				
<i>(a) a description of how the provisions of the district plan allow the same or a greater level of development than the MDRS:</i>	N/A	N/A	N/A	N/A
<i>(b) a description of how modifications to the MDRS as applied to the relevant residential zones are limited to only those modifications necessary to accommodate qualifying matters and, in particular, how they apply to any spatial layers relating to overlays, precincts, specific controls, and development areas, including—</i>	See response to 77J(3)(a)(ii)	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in: 8.0 Qualifying Matters</p>	N/A	N/A
<i>(i) any operative district plan spatial layers; and</i>	See response to 77J(3)(a)(ii)	<p>Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter.</p> <p>Identified in:</p>		

		8.0 Qualifying Matters		
(ii) any new spatial layers proposed for the district plan.	See response to 77J(3)(a)(ii)	Section 10.0 (Evaluation of Reasonably Practicable Options and Associated Provision) identifies and evaluates why additional controls restricting the application of the MDRS are necessary to manage the qualifying matter. Identified in: 8.0 Qualifying Matters		
(5) The requirements set out in subsection (3)(a) apply only in the area for which the territorial authority is proposing to make an allowance for a qualifying matter.	N/A	N/A	N/A	N/A
(6) The evaluation report may for the purposes of subsection (4) describe any modifications to the requirements.	N/A	N/A	N/A	N/A
Section 77K and 77Q Alternative process for existing qualifying matters (applies to existing heritage listings in the operative district plan)	Narrative	Section 32 Evaluation	Section 42A Report	Supplementary Evidence
A specified territorial authority may, when considering existing qualifying matters, instead of undertaking the evaluation process described in section 77J , do all the following things:				
(a) identify by location (for example, by mapping) where an existing qualifying matter applies:	See mapping of heritage buildings, structures and heritage areas in the PDP eplan, as well as the address data in SCHED1 – SCHED3. The relevant schedules in the ODP can be found: v1chap21list.pdf (wellington.govt.nz) as well as the appendices to Chapter 21: v1chap21.pdf (wellington.govt.nz)	N/A	N/A	N/A
(b) specify the alternative density standards proposed for those areas identified under paragraph (a):	<u>In so far as relates to the MDRS –</u> The proposed zoning for residential zoned heritage areas is the Medium Density Residential Zone which incorporates the MDRS. ie they are the underlying built form standards. However, all new buildings (including residential units) and alterations to an existing building (if that were to increase bulk and form enabled by the MDRS) require a resource consent. For individually scheduled buildings in either the MRZ or HRZ the MDRS are the underlying built form standards for a permitted activity. Again, however, all new buildings (including residential units) and alterations to an existing building (if that were to increase bulk and form enabled by the MDRS) require a resource consent. <u>In so far as it relates to Policy 3 –</u>	Identified in: 8.0 Qualifying Matters	4.8.4 - HH-S4: Minimum and maximum heights for heritage areas in the City Centre Zone, Centre Zones and Waterfront Zone.	Para 37 - 40

	<p>Heritage areas in the CCZ and Centres zones have maximum building heights lower than that otherwise directed by policy 3(a)(c) and (d), and in comparison to parts of the zone not within a heritage area.</p> <p>The maximum buildings heights for heritage areas in the CCZ and centres are specified in HH-S1.</p>			
(c) identify in the report prepared under section 32 why the territorial authority considers that 1 or more existing qualifying matters apply to those areas identified under paragraph (a):	<p>Because heritage is listed in the NPS-UD as a qualifying matter by being a s6 matter.</p> <p>Detailed heritage reports exist for all these places demonstrating why they meet the significance criteria in the RPS, policy 21.</p>	<p>Identified in:</p> <p>7.0 Overview of Proposal 8.0 Qualifying Matters</p>	N/A	N/A
(d) describe in general terms for a typical site in those areas identified under paragraph (a) the level of development that would be prevented by accommodating the qualifying matter, in comparison with the level of development that would have been permitted by the MDRS and policy 3:	<p>Assessment goes further than these minimum requirements. Impact on development capacity has been modelled (albeit not in time for the s32, but in time for hearings)</p> <p>See: Wellington City Qualifying Matters Assessment November 2022 – Property Economics</p>	<p>General commentary at:</p> <p>8.0 Qualifying Matters</p>	N/A	N/A
(e) notify the existing qualifying matters in the IPI.	<p>All heritage listings were notified under the IPI so far as they relate to the urban environment. See notes at the top of SCHED1 – SCHED3.</p>	N/A	N/A	N/A

Appendix 4 - Tabulated comparison of the Civic Square Precinct (PDP) v Civic Square heritage area (ODP)

Note:

- Interpretation of the question is PDP v ODP controls for this area
- The Civic Administration Building has never been a contributing building.
- Currently scheduled heritage buildings and other buildings and structures have been included for reference.
- Historic Heritage rule references are those of the officer recommended version.

	Te Ngākau Civic Square Precinct (PDP)	Civic Square Heritage Area (ODP)
Heritage buildings	City Gallery Wellington Town Hall	City Gallery Wellington Town Hall
Rule framework	<ul style="list-style-type: none"> • Additions/alterations/partial demolition: HH-R7 (RD) • Total demolition: HH-R13 (D) <p>*Heritage buildings provisions apply regardless</p>	<ul style="list-style-type: none"> • Additions/alterations/partial demolition: HH-R7 (RD) • Total demolition: HH-R13 (D) <p>*Heritage buildings provisions apply instead of heritage area ones</p>
Contributing buildings	None	Municipal Office Building Michael Fowler Centre
Rule framework	See below.	<ul style="list-style-type: none"> • Additions/alterations/partial demolition: HH-R19 • Total demolition of contributing buildings: HH-R23 (RD) <p>*Assessment focused on collective values of heritage area</p>
Non-heritage/not protected	Municipal Office Building Michael Fowler Centre City to Sea bridge Central Library Civic Administration Building Ilott Green (foundations of building)	City to Sea bridge Central Library Civic Administration Building Ilott Green (foundations of building)
Rule Framework	<ul style="list-style-type: none"> • All buildings other than heritage buildings (ie Town Hall and City Gallery) can be demolished without assessment against historic heritage provisions. • Demolition is assessed against CCZ-R18 which is permitted if it creates public space or enables a consented building to be built. • Additions and alterations assessed against CCZ-PREC01-R7 with policy direction to respect the form, scale and style of heritage buildings (ie, Town Hall and City Gallery) through CCZ-PREC01-P4. 	<ul style="list-style-type: none"> • Total demolition of non-heritage buildings or structures: HH-R20 (Permitted) • Additions/alterations/partial demolition: HH-R19 (RD) <p>*Assessment focused on collective values of heritage area</p>

New buildings and structures	<i>Managed by Te Ngākau Civic Square Precinct and CCZ policy and rule framework</i>	<i>Managed by Historic Heritage policy and rule framework</i>
Rule Framework	<ul style="list-style-type: none"> • CCZ-PREC01-R7 (RD) with policy direction to respect the form, scale and style of heritage buildings (ie, Town Hall and City Gallery) through CCZ-PREC01-P4. • Standards CCZ-S4 through CCZ-S12 and CCZ-PREC01-S1 apply. • Minimum building height of 22m. • Maximum building height of 40m. • City Outcomes Contribution would apply. 	<p>If operative district plan building height standards were to apply:</p> <ul style="list-style-type: none"> • Minimum building height of 15m. • Maximum building height of 27m. <p>HH-R21 (new buildings and structures within a heritage area) (RD)</p> <p>*Assessment focused on collective values of heritage area</p>
Additions and alterations to buildings and structures	<i>Managed by Te Ngākau Civic Square Precinct and CCZ policy and rule framework</i>	<i>Managed by Historic Heritage policy and rule framework</i>
Rule Framework	<ul style="list-style-type: none"> • As above 	<ul style="list-style-type: none"> • As above <p>Additions/alterations/partial demolition: HH-R19 (RD)</p> <p>*Assessment focused on collective values of heritage area</p>