

***Officer's Report  
Proposed District  
Plan Change 75***

**Centres Heritage Areas  
Commencing 6 December 2010**

**Absolutely**

**POSITIVELY**

ME HEKE KI PŌHĀKE  
WELLINGTON CITY COUNCIL

**Wellington**

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**OFFICER'S REPORT FOR: DISTRICT PLAN HEARINGS COMMITTEE**

**SUBJECT: DISTRICT PLAN CHANGE No. 75:  
Centres Heritage Areas.**

**DATE OF HEARING: COMMENCES 6 December 2010**

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## **1. PROPOSED DISTRICT PLAN CHANGE 75 – CENTRES HERITAGE AREAS.**

Proposed District Plan Change 75 (DPC 75), publicly notified on 25 May 2010, proposes the creation of 6 centre-based heritage areas in Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street Intersection (Newtown), Newtown and Thorndon.

The Wellington City Council's Wellington Heritage Policy 2010 recommends greater statutory protection for the City's built heritage. The policy is consistent with the changes made to the Resource Management Act in 2003, which requires Council to recognise and provide for the protection of historic heritage as a matter of national importance.

Implementation of the 2005 Built Heritage Policy began in two phases. The first phase was proposed District Plan Change 43, which aims to strengthen the District Plan rules (notified 4 May 2006, Council decision notified 18 October 2007). The second phase of this work proposes the addition of further buildings, objects and areas to the District Plan list of protected heritage items. Specifically, the heritage policy seeks to adopt a heritage area approach to identify important areas within the urban and rural areas of the city that will contribute to the community's sense of place. DPC75 follows in the footsteps of District Plan Change 53 (notified in 2006) and District Plan Change 58 (notified in 2008) which both listed a number of buildings, objects and areas of different styles and eras throughout the city. DPC75 builds on this work and identifies centres in our city that are considered to contain significant heritage values which are currently not recognised in the District Plan.

A copy of DPC75 is attached as Appendix 1. This has also been annotated, following the consideration of submissions covered in this report to show Officer's recommendations.

The purpose of this report is to consider the submissions lodged on DPC 75 and to provide advice to the hearings committee on the issues raised. Whilst recommendations are provided, ultimately it is the role of the hearings committee to determine each submission and make recommendations to the Council.

## **2. RECOMMENDATION**

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Approve Proposed District Plan Change 75 with the following additions, amendments and deletions resulting from the consideration of submissions:*

### ***Chapter 21 – Heritage Schedule***

- (i) *Amend the boundaries of the proposed heritage area maps as shown in Appendices 9-14 to Chapter 21 of the District Plan (refer to Appendix 1 of this report)*
  - (ii) *Amend the proposed Aro Valley Shopping Centre Heritage Area listing description to exclude 3 Devon Street (Pt Sec 22 Town of Wellington).*
  - (iii) *Amend the proposed Aro Valley Shopping Centre Heritage Area listing description to exclude the rear building at 97 Aro Street (Pt Sec 19 City of Wellington).*
  - (iv) *Amend the proposed Hataitai Shopping Centre Heritage Area listing description to exclude the rear building at 24b Waitoa Street (Lot 58 DP 2741).*
  - (v) *Amend the proposed Hataitai Shopping Centre Heritage Area listing description to exclude 17 Moxham Avenue (Lot 76 DP 168).*
  - (vi) *Amend the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area listing description to exclude 16 Riddiford Street and 205 Adelaide Road (Lot 1 DP 6783).*
  - (vii) *Amend the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area listing description to identify that only upper front façade of 7 Riddiford Street (Lot 3 DP 42805) as a heritage item.*
  - (viii) *Amend the Chapter 21, John Street Intersection (Newtown) Shopping Centre Heritage Area Appendix 12 map to identify that the rear building of 7 Riddiford Street (Lot 3 DP 42805) as a non-heritage building.*
  - (ix) *Amend the proposed Newtown Shopping Centre Heritage Area listing description to exclude 14 Rintoul Street (Pt Sec 944 Town of Wellington).*
  - (x) *Amend the Chapter 21, Newtown Shopping Centre Heritage Area Appendix 13 map to identify that the public toilets located at 175 Riddiford Street (Pt Lots 1 & 2 DP 349) are a non-heritage building.*
  - (xi) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 273b Tinakori Road (Pt Sec 517 Town of Wellington) is a non-heritage building.*
  - (xii) *Amend the Chapter 21, Thorndon Shopping Centre Heritage Area Appendix 14 map to identify that 287 Tinakori Road (Lot 1 DP 26449) is a non-heritage building.*
  - (xiii) *Amend the proposed Thorndon Shopping Centre Heritage Area address reference and legal description of 356a Tinakori Road (Lot 1 DP 60706) to 356 Tinakori Road (Unit 10 DP 60611).*
3. *That all submissions and further submissions be accepted or rejected in accordance with recommendation 2 above.*

### **3. SUBMITTERS**

A total of 38 submissions and 6 further submissions were received on proposed District Plan Change 75. The list of main submitters is as follows:

<b>Submitter No.</b>	<b>Submitter Name</b>
1	Gin Young
2	Perry Lark
3	Jeremy Smith – The Realm Tavern and Bottle Store
4	Gwyneth Trevor Bright & Timothy HR Bright
5	Francesca Brice
6	Peter Frater
7	Newtown Residents Association (NRA)
8	Mandy Joseph
9	Rosamund Averton
10	Peter James Cox
11	Telecom New Zealand Limited (Telecom)
12	Greater Wellington Regional Council (GWRC)
13	Michael Brett Mainey
14	New Zealand Historic Places Trust (NZHPT)
15	Robyn Sivewright
16	Alan Joseph Fairless
17	Jaqui Tutt
18	Julia Margaret Brooke-White
19	Lisa Thompson
20	Roland Sapsford
21	Aro Valley Community Council (AVCC)
22	Dominic van Putter
23	John Owen Kelman
24	John Joseph Dunphy
25	Christina van Zanten
26	Emanate Holdings
27	Trustees Virginia Trust
28	Laura Newcombe
29	Naren and Premi Bhana
30	Urmila Bhana
31	Peter and Theodora Varuhas
32	Murray Pillar
33	Howard Anthony Eastment
34	Simon Williams and Blair Rutherford
35	The Architecture Centre
36	Martin Read
37	Estate Nelson Young
38	Brian Main

The list of further submitters is as follows:

<b>Further Submitter No.</b>	<b>Further Submitter Name</b>
FS1	Roland Sapsford
FS2	Keith Clement and others
FS3	Tutaenui Co Limited
FS4	Andrew Forbes Grant
FS5	Christina Claire Mitchell
FS6	New Zealand Historic Places Trust (NZHPT)

A copy of the summary of the submissions and the further submissions is included in Appendix 3.

## **4. LEGISLATIVE REQUIREMENTS AND COUNCIL POLICY DIRECTION**

A full consideration of national-level legislative requirements and territorial authority policy direction was considered as part of the Section 32 report for DPC 75. This Officer's Report discusses only some of these requirements and policy directions but readers should be mindful that others may also be relevant.

### **4.1 Resource Management Act 1991**

The requirements for processing District Plan Changes are covered in Part 1 of Schedule 1 to the Resource Management Act 1991. Following public notification of the change and the lodging of submissions and further submissions, the Council is required to hold a hearing of the submissions in accordance with clause 8B.

After a hearing is held, the Council is then required to give its decisions on the submissions in accordance with clause 10. The decisions shall include the reasons for accepting or rejecting them (grouped by subject matter or individually).

In due course, appeals against the decision may be taken to the Environment Court.

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

### **4.2 Wellington Heritage Policy 2010**

Partly in response to the RMA legislative change and also as a result of the Council's desire to provide more effective heritage protection, a review was undertaken of the Council's heritage policy. After an extensive consultation process the Built Heritage Policy was adopted in June 2005. The policy has recently been reviewed, with the updated Wellington Heritage Policy coming into effect on 15 September 2010.

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

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

Objective 1 of the Policy is *to continue to recognise built heritage places as essential elements of a vibrant and evolving city*. This is relevant to DPC 75 because Action 1 identified in the Objective is to:

*Adopt a heritage area approach to identify important areas within the urban and rural areas of the city that will contribute to the community's sense of place.*

In addition, Action 2 seeks to:

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

Objective 2 relates to protection. This Objective seeks *to protect the city's heritage from adverse effects that may compromise the heritage values of a place, including*



*physical deterioration, earthquake risk and inappropriate subdivision, development and use.* This is further expanded by Objective 2, Action 1 which aims to:

*Recognise those places with significant heritage value through listing in the District Plan, either individually or as part of a heritage area.*

### **4.3 Earthquake-prone Building Policy 2009**

Wellington City Council Earthquake Prone Buildings Policy's primarily is concerned with ensuring that people who use buildings can do so safely and without endangering their health. Its approach to heritage buildings is to reduce the impact of any strengthening work required on the heritage fabric of the building. This means that for earthquake-prone heritage buildings:

- strengthening is required so that it is no longer earthquake-prone
- the maximum timeframes will apply, just as it does to all buildings
- a management plan outlining how strengthening will preserve the heritage fabric of buildings is to be provided
- demolition is not encouraged.

### **4.4 Proposed District Plan Change 43**

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

The key components of Plan Change 43 are:

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

The decision on Plan Change 43 was approved by Council 10 July 2007. Seven appeals were received on this plan change, five of which have been resolved.

### **4.5 The Built Heritage Incentive Fund**

The Built Heritage Incentive Fund helps with the conservation, restoration and protection of Wellington's heritage-listed buildings and objects. The grants can also help meet some of the additional costs associated with owning and caring for a heritage property.

There is currently \$200,000 in total available for grants which are allocated three times a year. Funding for the grant is secured until the close of the 2011/2012 financial year, at which time it will be reassessed under the Annual Plan process. All applications are assessed by Officers and approved by Council's Strategy and Policy Committee.

All applications must meet set criteria and depending on the quantity and quality of applications in each funding round, priority will be given to the following:

- The heritage building or object must be listed individually, or as part of a heritage area on the District Plan
- At-risk significant heritage buildings and objects
- Fire protection systems for residential owners
- Funding for professional services (e.g. structural strengthening reports, maintenance reports, conservation plans, archaeological sites assessments, conservation work specifications, or supervision of work, technical advice etc.)
- Projects that have high public access and/or visibility from public areas.

In addition, Council also has the discretion to waive fees for resource consent for modifications or additions to a listed item or to a building located in a heritage area.

## 5. BACKGROUND AND IDENTIFICATION OF PROPOSED HERITAGE AREAS

As part of the background research for Plan Change 73 - Suburban Centre Review, it was identified that whilst some of the commercial parts of our suburbs have significant heritage values, these values are currently not recognised in the District Plan.

The key finding was that the city's suburban centres are noticeably under-represented in the city's overall heritage listings. At present there are only 16 listed heritage buildings located within the Centres zone (see below).

**Table 1: Existing listed heritage buildings within Centres**

<b>Centre</b>	<b>Number of listed buildings</b>
Brooklyn	1
Newtown/Adelaide Rd	6
Miramar	1
Northland	1
Thorndon	4
Kaiwharawhara	1
Khandallah	1
Tawa	1
<b>Total</b>	<b>16</b>

As a result, a heritage area study was undertaken in February - September 2008. The purpose of the project was to investigate Wellingtons Centres to determine whether there were any Centres that contained groups of commercial buildings that may warrant identification as heritage areas in the District Plan. To help with this project, Council used heritage consultants Historian Michael Kelly and Conservation Architect Russell Murray.

The first part of the study involved surveying every Centre throughout the city to identify which areas warranted more detailed heritage investigation. Ten Centres were identified during the initial survey.

Further research on the wider history of the suburbs was undertaken and site visits were made to identify important individual buildings and groupings and also those buildings that do not contribute to the heritage values of the area.



Historical research was undertaken for each of the identified areas. This provided information on the date of construction, original owner, architect (where known), and subsequent building permits and consents for each of the buildings within the area.

The final result of the study was that seven centres were identified as having significant groups of buildings that would be worthy of heritage area status. These areas were:

- Aro Valley
- Berhampore (Rintoul Street)
- Hataitai
- Island Bay (Shorland Park shops)\*
- Newtown
- John Street intersection (Newtown)
- Thorndon village

\* Island Bay village is already recognised as a heritage area under Plan Change 58

Following this study, further targeted consideration and consultation was undertaken with building owners (discussed in more detail in section 5.2 of this report). With the exception of Island Bay (Shorland Park shops), it was considered that the heritage values of the areas put forward are sufficient to warrant heritage area status. Plan Change 75 therefore recommends proposed heritage areas for the Centres of Aro Valley, Berhampore (Rintoul Street), Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre).

The following statements of significance are taken from the heritage assessment reports produced by the heritage consultants and give a summary of the values of the proposed heritage areas that form part of this plan change.

Proposed Aro Valley Shopping Centre Heritage Area:

*Aro Valley suburban centre is a place of considerable heritage importance. It is at the core of one of the city's iconic inner-city suburbs, highly regarded for its character, charm and heritage significance. Established in the early 1890s, the proposed heritage area is characterised by low-rise timber commercial buildings, most of which have remained relatively unchanged for over a century; the area is an excellent **representative** example of a late 19<sup>th</sup> century commercial centre in a working-class neighbourhood.*

*The area has high **historic** value. Aro Street represents a nearly unbroken history of working class life, from the late 19<sup>th</sup> century to the present day, and most of the commercial buildings in this area reflect that continuum. The street's residents were supplied by typical local retailers such as grocers, fruiterers, bakers, bootmakers and confectioners. Some businesses were remarkably enduring: one shop retained the same purpose for over a century, one family ran the same business for 60 years and another retailer occupied the same shop for over 50 years.*

*The suburban centre is an important local **landmark** both in the valley and on the through route from the city to Kelburn and Karori. It has very high **group** and **streetscape** value for the remarkable consistency and authenticity of the buildings, a value further enhanced by the confined setting and close spacing of the buildings, as well as by the heritage values of the surrounding suburban area. The buildings have strong similarities of age, scale, style, details, and materials and this visual consistency creates very high **aesthetic** value.*

*The individual buildings are generally modest in their aspirations, reflecting their origins in a working-class neighbourhood, but many are of **architectural** interest and are good representative examples of their kinds (in particular the former butcher's shop at 105 and the terraces at 88-92 and companion buildings at 94, 96 and 100, amongst others).*

Many of the buildings are the first and only ones on their sites and all (bar one) are late 19<sup>th</sup> or early 20<sup>th</sup> century buildings, so the area has some **archaeological** value. Should excavation ever be required, there is considerable potential for archaeological investigations to reveal information about the settlement and growth of the Aro Valley area, including the earlier Maori uses of the valley.

The area has high **educational** value for its illustration of the development of Aro Valley, as a typical worker's neighbourhood of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries. The Aro Valley suburban centre has high **social** value. The buildings are the focus of community attention, and are both the most visible and prominent buildings in the suburb, and the most visited. They are important places of social interaction; there are three cafés in the area as well as other shops that people meet in. Being sited on a major thoroughfare, the area is well known throughout Wellington and is much appreciated by locals and visitors alike for its history and historic buildings.

#### Proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area:

Berhampore (Rintoul Street) Shopping Centre Heritage Area has **representative** value as a rare example of a late 19<sup>th</sup> century suburban centre surviving in a relatively unmodified form. The group of buildings contained in the area forms a distinctive **landmark** and offers a rare vista of an early and important period in Wellington's history. The area has a strong sense of place arising from its architectural and streetscape character and will be familiar to many Wellingtonians.

The buildings have high **group** value; the group has a strong sense of cohesiveness related to the similarities of the buildings, including age, architectural style and materials, as well as by the use of verandahs and the alignment of the buildings to the street edge to create a consistent and relatively **authentic** streetscape, and the area has concordantly high **streetscape** value. The many houses in the surrounding areas from the same period enhance this value.

The individual buildings are, except the church, examples of typical mixed-use buildings of the late 19<sup>th</sup> century with histories typical for their time and location. This gives them some **historic** value.

The buildings have some **social** value for the 100 plus years they have been a part of Berhampore's commercial, religious and residential life, particularly the church, which has remained in continuous use as a religious venue and retains strong ties with the wider community. As one of two commercial hubs in the suburb, this intersection has played an important part in the suburb's history, although less so in recent years as commercial activity has waned. The area's buildings had a spectrum of typical suburban commercial uses, such as butchers, fishmongers, fruiterers, bookshops, general stores etc., together with residential tenants and a church. Today, only a dairy and a locksmith's shop remains as a reminder of the area's former activity, although most of the properties remain in use, or partial use, as residences.

The area has **educational** value as a good example of a small satellite suburban centre that remains descriptive of the time it was established. It reflects the early settlement and growth of Wellington's first ring of suburbs at the turn of the 20<sup>th</sup> century, and also illustrates the impact of mass public transport (the tram) on the development of these suburbs. 216-218 Rintoul Street, altered to suit tramway curves, provides graphic evidence of the significance and importance of the tram and is of **technical** interest for that alteration.

The area is of modest **archaeological** value, as any archaeological values can only be realised by removing one or more of the buildings. The individual buildings are of some technical interest for their materials and methods of construction, although equivalent materials and methods from the same period of time will also be found in many other buildings in the wider area.

#### Proposed Hataitai Shopping Centre Heritage Area:

The Hataitai suburban centre area is important in Wellington as a good **representative** example of the development of new suburbs in the period from 1910 – 1930. Hataitai developed very rapidly in the inter-war period and changed little thereafter – the majority of the buildings in the suburban centre and surrounding residential areas are from this time. This gives the wider area a consistent visual quality and sense of historic character and **authenticity** that is rare in Wellington.

The area is a distinctive local **landmark**, due to its landscape setting and location at a major transport intersection. It has high **streetscape** value associated with the visual consistency and character of the buildings, further enhanced by the architectural and historic qualities of the surrounding residential areas.

The area has individual buildings of **architectural** significance and interest, including the church at 22 Waitoa Road, 25 Waitoa Road, the terrace of shops at 31-33 Waitoa, 1 and 3 Moxham Avenue and the like; several of the buildings in the area are known to have been designed by prominent architects including J T Mair, William Fielding and Bernard Johns. This remains unusual and **rare** for a suburban centre in Wellington and reveals Hataitai had a certain level of status as it developed.

The buildings in the area have **group** value for their similarity of era, their enduring commercial uses and for their historic values. These attributes are enhanced by the surrounding residential areas, which contain many buildings of similar era, scale and quality.

Hataitai's suburban centre is of high local **historic** importance because it encapsulates the history of the suburb's development in its form and buildings. Although typical of many suburban centres established after 1900, it has retained its core of commercial buildings from the late 1910s onwards (in some cases their early uses have also survived).

The Moxham-Hataitai-Waitoa nexus has been a major transport node since the inception of tram service. Of particular **historic** significance in this is the role of the two tunnels. The tram tunnel (1907), pushed hard for by the Hataitai Land Co., was the greatest impetus to the suburb's development. The tram's route through the suburban centre brought foot traffic and custom, and the necessary track geometry shaped the unusual configuration of the intersection of Waitoa Road and Moxham Avenue. The vehicular tunnel (1936) brought an influx of motor traffic, and patronage, with the eastern portal being just a stone's throw from the suburban centre.

Hataitai's suburban centre has **educational** value for its representation of the main period of development of the suburb, and as a good example of an inter-war suburban commercial area; the wider residential suburb clearly illustrates the pattern of residential development in Hataitai in the 1910 – 1930 period.

The area contains buildings that are of **technological** value for their materials and construction, particularly the church and 6-8 and 10 Moxham Avenue.

Hataitai suburban centre has considerable **social** significance. The suburb is, to a certain extent, defined by its suburban centre. With its geographical location, mixture of buildings and styles and pleasing character, the suburban centre offers a palpable sense of place in a way that few other suburbs in Wellington can. As Hataitai's only suburban centre it is the focus of the suburb, it is passed through or used by many people every day and offers a strong sense of continuity for an established suburb now over 100 years old.

#### Proposed John Street Intersection (Newtown) Shopping Centre Heritage Area:

The Adelaide-Riddiford intersection, passed daily by thousands of people, is a particularly prominent and well known one in Wellington. The existence of this group of Victorian and Edwardian buildings in this area and in relatively unaltered form gives it considerable **rarity** value. The proposed suburban centre heritage area is of both local and city-wide importance.

Little changed from the 1920s, the area has a strong sense of visual **authenticity** and historical continuity. The area illustrates the appearance of this important intersection from its establishment, and clearly shows the original character of development of this part of Newtown. It has very high **representative** value for that.

The area has high **architectural** and **streetscape** value. Although the majority of the buildings are modest in their aspirations and design, they share a general high quality of design, detail and materials and a consistency of scale and form that links them into a harmonious and

*cohesive collection. While several individual buildings stand out for their quality of design, including 2-14 and 9 Riddiford Street and 183 Adelaide Road, the collection of the buildings as a whole has architectural interest. The variety of building types included in the area – residential, industrial, commercial and mixed-use – is important as together they comprise a rare and authentic collection in a key location close to the city.*

*The area is of considerable **historic** value. It has considerable local importance, being the first suburban centre on the Adelaide Road-Riddiford Street axis. There has been commercial activity of one form or another here since at least the 1880s and the area reached its heyday from the 1920s onwards, when there was more housing in the vicinity and more pedestrian traffic.*

*Of particular importance is the role of the Wellington Hospital Board (and its predecessors and successors) in the history of the area. It has been an owner of many of the buildings, and played a role in their history, but in holding on to the properties well into the 20<sup>th</sup> century and through a period when so much of the city and its environs was being redeveloped and modernised, it, perhaps inadvertently, preserved this streetscape for future appreciation.*

*The area has buildings of individual heritage value. The former John Street Doctors at 27 Riddiford Street (c.1870s and registered Category I by the Historic Places Trust) was the premises of one of New Zealand's earliest group medical practices; the snub-nosed 2-14 Riddiford Street (1903) has both an interesting building form and a rich history; CO Products factory (1909) has been making polish in its building since 1924; the Victorian house at 175 Adelaide Road is a grand reminder of the kind of house that once graced the city's main boulevards; and the houses at 169-171 Adelaide Road recall a most significant event – the widening of the road in 1902, which left many houses hard on the roadside – these houses stand as the oldest buildings at the northern end of Adelaide Road.*

*The area and its collection of buildings constitute a distinctive **landmark** feature in the wider northern Newtown area. This is due to its landscape setting, the prominent location at one of Wellington's major street intersections, the quality of the group of buildings and the visual contrast with the flanking commercial and hospital areas.*

*The collection of buildings has high **group** value for its architectural and streetscape values, for the enduring mixture of residential and commercial uses and for its historic values. These attributes are enriched by the historic qualities of the surrounding residential areas which contain many buildings of similar era, scale and quality.*

*The area has potentially high **archaeological** values associated with its occupation and use since the 1870s or earlier. It has **educational** value for its representation of an authentic and nearly intact Edwardian commercial area and for its illustration of the establishment and development of this part of Newtown – and for the historical and physical links from this area to the wider Newtown and Berhampore areas. The buildings, particularly the earlier ones, have some **technological** value and interest embedded in their construction and materials.*

*The suburban centre has ongoing **social** value; the various retail outlets, and particularly the cafes and restaurants, provide places where locals and visitors can interact and have done so for 100 or more years.*

### **Proposed Newtown Shopping Centre Heritage Area:**

*Newtown Central suburban centre lies at the heart of one of the most distinctive and best known of Wellington's suburbs. A product of Wellington's late 19<sup>th</sup> and early 20<sup>th</sup> century expansion into its suburban margins, Newtown was the largest and most significant of the city's inner-city suburbs. It played a crucial role in accommodating both those abandoning the packed inner-city and also the successive waves of immigrants. It is perhaps the city's best example of the impact of mass transport on expanding the city's boundaries.*

*The role of the suburban centre in the suburb's development is of great **historical** significance to the area. Riddiford Street was transformed by the construction of rows of commercial buildings, mostly built in timber, and mostly built in the period before and just after the turn of the 20<sup>th</sup> century. Many of them were built in anticipation of a coming influx of settlers. Large portions of that streetscape have survived intact. Over 130 years, Newtown's suburban centre and its commercial buildings have serviced its community through periods of stability and upheaval, economic plenty and depression. They played a key role in ensuring the cohesiveness of the community.*



*The proposed heritage area is a long-established feature of Newtown's streetscape and a very important element in the broader historic and architectural landscape of the suburb. Today the area presents an extensive, continuous and **rare** section of streetscape that strongly reflects the appearance of the area as it was by the 1920s. Newtown contains Wellington's greatest concentration of commercial buildings of heritage value outside of the CBD. In a city where lengthy streetscapes of older buildings are rare indeed, the blocks of buildings along Riddiford Street – in particular – are of singular significance to Wellington.*

*This rare collection of old buildings has very high **streetscape** value associated with the age, quality and general authenticity of the buildings, enhanced by strong consistency of scale, and the relatively uniform street wall and further enhanced by its close relationship to the surrounding old residential areas.*

*Collectively, the group of old buildings has high overall **architectural** value – while the majority of buildings are modest and unpretentious commercial structures, they are for the most part well-designed and are good representative examples of their kinds. The area includes some architecturally significant buildings like the former Ashleigh Court Private Hotel and the former Ascot Theatre – these two have significant **landmark** values for their prominent locations, scale and design. Overall, the collection of buildings has a high level of **authenticity**; it is strongly **representative** of the early 20<sup>th</sup> century core of Newtown and indicative of the quality of streetscape of much of early 20<sup>th</sup> century Wellington.*

*The old buildings have high **group** value for their historic and architectural consistency and cohesiveness. In a wider framework, the old buildings have additional group value with the old residential buildings in the surrounding areas of the same era and which collectively tell the story of the establishment and development of Newtown.*

*The area has **scientific** value for its potential area to reveal information – through archaeological techniques – on the past activity in this urban area. Areas within the study area have been occupied continuously for 140 years and possibly longer and a number of these are relatively undisturbed. The area has **educational** value for the story it reveals of the establishment and development of Newtown as a suburb. Some of the major buildings are of **technological** interest for the materials and techniques used in their construction.*

*The Newtown suburban centre has high **social** value. It is a place that offers a continuity of history and a sense of place that is well understood in the community. Newtown's heritage has been advocated for and the pride taken in the appearance of many of the buildings is evidence of a strong regard for the heritage values of the area. The council's efforts at street beautification complement the buildings.*

### **Proposed Thorndon Shopping Centre Heritage Area:**

*The suburban centre of Thorndon has a special historic, architectural and streetscape character, a strong sense of place, and is of very high heritage value.*

*The suburban centre heritage area has very high local and regional **historic** importance, being the focus of the city's oldest suburb and a place that has long been recognised for its heritage value through the city's district plan. It is home to buildings of considerable age and historic importance, including the Shepherd's Arms (1870) and the former Manchester House.*

*The area has high **streetscape** value conferred by the consistent two- to three-storey scale and architectural quality of the old buildings and the relatively unobtrusive modern buildings, a quality amplified by the close local topography and intensive building of the surrounding residential areas and mature trees and plantings; the streetscape has a strong sense of historic authenticity that reflects the established character of the wider Thorndon suburb.*

*The old buildings are of generally high **architectural** value. Although the buildings are by and large modest, unpretentious and not elaborately decorated, several of the key buildings were designed by prominent local architects and show a high amount of care and attention to their design. With or without well-known designers, nearly all of the old buildings show a high standard of design and composition and are of high architectural interest. Many of the buildings retain a strong sense of their past and are in comparatively **authentic** condition.*

*The buildings have very high **group** value, both overall, and as a collection of sub-groups – old houses (296 – 306 and 293 – 297 in particular), old commercial buildings and new commercial buildings. The old buildings collectively have very high group value – many of the*

*buildings were built in pairs or terraces – and they have a high consistency of form, scale, materials and design detail that further enhances their group values.*

*The new buildings are mostly unobtrusive, typically built to similar scales as the old buildings and in styles intended to blend in with the surroundings. While the modern take on old styles to some extent confuses the interpretation of history, and doesn't admit architectural innovation or progress, this lessens the potential adverse impact on the area's heritage values that more contemporary building styles might have had.*

*Central to the development of Thorndon since the earliest years of the suburb, this area has potentially high **archaeological** values. However, as realising such values would require removing buildings, many of which are of heritage significance, these archaeological values are likely to remain substantially unrealised.*

*Many of the individual buildings are of high **technical** interest for their materials and methods of construction.*

*The area illustrates, in part, the colonial appearance of much of 19<sup>th</sup> century Wellington. A variety of extant physical landmarks can still tell us much about the development of the area, not the least Ascot Street – the cutting that offered a direct, but steep and narrow, route to Tinakori Road and places west, from the city – and the hotel that sat alongside it, the Shepherd's Arms. Tinakori Road still contains much evidence of the place it was prior to the arrival of the electric tram in 1904. The buildings today both represent almost all of the stages of the suburban centre's history and illustrate its ongoing change and development. The area has very high **educational** value for that, and for its contribution to the character and historic value of the surrounding suburb.*

*The suburban centre has high and ongoing **social** values – the Shepherd's Arms in particular has been a well-known pub for 130 years, and the area has been a centre of commercial and social activity since the 1860s, if not earlier. The suburban centre area (and the wider suburb) is highly regarded by locals and outsiders for its heritage values, its charm and its speciality shopping and eating places. The area that has been carefully watched over by local interest groups, particularly the Thorndon Society, a particularly successful and long-standing community group that has advocated strongly for retaining the suburb's built heritage.*

## **5.1 Suburban Centre Review and initial consultation on proposed heritage areas**

The Council publicly consulted on the Suburban Centre Review (and the Residential Review) in the form of draft plan changes from 8 December 2008 to 1 April 2009. Specific letters were sent on 18 March 2009 to all property owners who were affected by the proposed heritage areas. Those owners were asked to respond by 20 April 2009.

Council received 77 responses directly relating to heritage matters. Of those, approximately 51% of respondents supported the potential heritage areas, while approximately 40% of respondents did not support the proposals.

The feedback that supported heritage recognition of these areas argued that the buildings provided identity to the various suburbs and gave them a sense of history that was of value to the community. It is noted, however, that those who generally supported the concept of creating heritage areas may not have a direct pecuniary interest in the buildings identified.

The submitters that opposed the heritage areas considered that they would:

- impose unnecessary costs and regulation on property owners
- prevent owners from being able to adapt their properties to meet future needs
- impact on their private property rights
- increase maintenance costs, and
- affect the value of their land.



Based on this feedback it was agreed that the proposed heritage areas needed further consideration and targeted consultation with property owners. To help work through the concerns raised by property owners, the proposed heritage areas were separated from the Suburban Centres Review. This allowed further consideration of the individual areas and consideration of whether heritage areas were the best way to manage the identified groups of buildings.

In the meantime, the Suburban Centre Review progressed separately and was notified on 30 September 2009 as Plan Change 73.

## **5.2 Targeted Consultation**

In November 2009 a further letter was sent to property owners in the potential heritage areas in Aro Valley, Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) who had contacted Council as part of the Suburban Centre Review consultation exercise. The letter reiterated that their building had been identified as part of a potential heritage area, indicated that Council would like the opportunity to discuss the matter further and invited them to make contact with Council. The main purpose of the letter was to give the owners the opportunity to consider the proposed listing of their property again and to invite further discussion with officers.

Targeted letters were not sent to property owners in the Berhampore (Rintoul Street) area as no response was received in the initial consultation on the Suburban Centre Review.

Targeted letters were not sent to property owners in Island Bay (Shorland Park Shops) area as a meeting had previously been held in March 2009 with all of the owners (or their representatives) and individual detailed comments had already been received. Officers were satisfied that a clear understanding of the property owners' concerns had been gained at that time.

Subsequently, officers met with most of the property owners in Aro Valley, Hataitai, John Street (Newtown), Newtown and Thorndon (Town Centre) who had expressed opposition to the potential heritage areas. A small number of property owners did not make contact and/or did not meet in person due to time constraints or reluctance to pursue the issue further. Generally, the reservations held by building owners related to the restrictions that the proposed listing may place on property and that the owners did not believe that their buildings had heritage value.

## **5.3 Heritage Area implications**

As with any plan change, the goal is to achieve public policy objectives while recognising the rights of private owners and this requires the balancing of competing aims and interests.

In terms of the added responsibility and restriction put in place when a building becomes part of a heritage area, considerable care has been taken in the drafting of Plan Change 43 (Heritage Provisions) to achieve an appropriate balance in the package of heritage policies and rules in place and their relationship with other relevant area based provisions (i.e. Plan Change 73 Centres Provisions). It is considered that the rules act sensitively to facilitate the reasonable use of land affected by heritage area provisions.

A heritage area in the District Plan has little effect on the day to day operation and function of businesses within the area. The main effects will be where owners propose alterations or modifications to the exterior of their building.

The table on the following page summarises the provisions that would apply and also compares the planning controls that apply in the Centres zone:

**Table 2: Resource Consent requirements**

<b>Type of work</b>	<b>Plan Change 73 Centres zone provisions</b> <i>Requirements for properties located on “primary frontages”</i>	<b>Plan Change 75 Centres Heritage Areas</b> <i>Managed using rules introduced by Plan Change 43 (Chapters 20-21 - Heritage)</i>
Internal alterations	Permitted Activity	Permitted Activity
Repair and maintenance	Permitted Activity	Permitted Activity (if using a similar material or technique i.e. like for like)
Additions and alterations	All works are a Discretionary (Restricted) Activity except: <ul style="list-style-type: none"> <li>• Work not visible from a public space</li> <li>• Work below verandah level</li> </ul>	All works are a Discretionary (Restricted) Activity
Demolition or relocation	Permitted Activity if replacement building is proposed at the same time	Permitted Activity for identified non-heritage buildings  Discretionary (Restricted) Activity for all other buildings

The above table show that regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres’ zone provisions. Proposed Plan Change 73 (Suburban Centre Review) has, amongst other things, introduced strengthened provisions relating to new development or modifications to existing buildings in all Centres. That includes a requirement for Discretionary Activity (Restricted) consent for new buildings and external alterations/modifications on an identified “primary frontage”, which is in most cases the main street.

All of the heritage areas identified in Plan Change 75 are located on primary or secondary frontages, meaning it is likely that they would need resource consent for external alterations/modifications. The resource consent would include consideration of the urban design quality which would be assessed against the Centres Design Guide.

The creation of a heritage area would additionally mean that building owners would be required to obtain resource consent for demolition and this would be assessed against the potential impact on the heritage values of the heritage area in which it sits.

Officers note that this plan change does not introduce any new rules. The proposed Centres heritage areas would be managed under the provisions introduced by Plan Change 43 which apply to all heritage areas.

In summary the key differences relate to whether:

- additions and alterations are visible from a public space; and
- demolition requires consent for most buildings in a heritage area.

The RMA requires that Council manage historic heritage in order to protect it from ‘*inappropriate subdivision, use, and development*’. Officers consider that the heritage controls outlined above are targeted at the appropriate level to enable Council to consider those works that could potentially compromise the heritage value of the buildings and the wider area and respond appropriately.

Officers also note that because of the scale of suburban centres, the majority of external additions and alterations will be visible from a public space and would therefore require consent under the urban design controls proposed under Plan Change 73.

The heritage controls proposed for the Centres heritage areas have applied for four years in the Central Area heritage areas (for example in Cuba Street) and have worked well. Officers have not seen a significant number of very minor or inconsequential resource consents, nor has there been a significant increase in pre-application meetings and heritage queries.

When a building is located in a heritage area, the resource consent process considers and explores how a collective group of heritage buildings can be protected in an appropriate manner. Within a heritage area every building is assessed and placed into one of the following categories:

1. Existing listed heritage buildings
2. Buildings that are not listed heritage buildings but which contribute positively to the heritage area due to their age and character.
3. Buildings (or sites) that have a neutral or negative impact on the heritage area. These buildings are called non-heritage buildings.

Consent is required to demolish or make alterations to buildings (such as a rear extension or rooftop addition) that fall into categories 1 and 2 above, while category 3 non-heritage buildings can be demolished as of right.

Consent is not required for general repair and maintenance and “like for like” changes to a building. Examples of repair and maintenance would include painting, replacement glazing, repair of damaged materials, re-roofing etc. Resource consent would not be required for internal alterations.

The rules contain no prohibited or non-complying activities and the opportunity exists through the discretionary consent processes to seek consent for any work. This means that there is always scope to redevelop heritage items (or within a heritage area), albeit in a manner that is sensitive to the heritage values of that item (or area). No type of development or use is foreclosed.

All the areas put forward for proposed listing have been assessed by suitably experienced heritage professionals who have recognised the individual values of each of the items nominated.

The Council is committed to working with the owners of heritage items. Applicants are encouraged to take advantage of the conservation advice and guidance through the pre-application process. Building owners can apply to Council for the standard heritage-focused resource consent fee to be reimbursed (approximately \$1100). In addition, the Built Heritage Incentive Fund is available to provide financial assistance for owners of buildings located in a heritage area.

An individual has a choice about whether they purchase a property within a heritage area. It is considered reasonable that this person can access information about what the heritage issue may be e.g. they obtain a LIM for a property, or view the site on a Planning Map to observe whether it is located within a heritage area.

## **6. SUBMISSIONS AND DISCUSSION**

Many of the submissions received voiced similar concerns or issues. Section 6.1 groups key submission points into themes and provides comment on the points raised. Many of the points raised are outside of the scope of this plan change in that they raise concern about resource consenting requirements or other Council policies.

Section 6.1 is a commentary and responds to common submission points but does not address other District plan provisions or other Council policies that have been raised by submitters. Section 6.2 considers and provides recommendations on the submissions that provided general comment on DPC75 as a whole. Section 6.3 considers and provides recommendations on submissions on specific proposed heritage areas or that refer to a specific building located in a proposed heritage area.

## **6.1 Common themes raised in submissions**

### **6.1.1 Heritage versus Character**

Several submitters raised concern that the proposed heritage areas contain a number of new buildings that have been designed and built in a replica period style. They have concern that including such replica buildings (designed more for their character contribution) promotes poor heritage outcomes.

In particular, **submitter 35 (The Architecture Centre)** feels that in the proposed heritage areas, heritage has become confused with character. For example, Thorndon appears to be biased towards Victoriana, even though some of the buildings have been built in the 1980s and 1990s at the expense of other modern apartment blocks which could be considered as heritage buildings. The submitter considers that there is a lack of clarity over the character trying to be maintained in the areas proposing to retain faux-heritage - if this is the case it should be stated transparently.

Submitter 35 contends that buildings must be more than 'old' to be heritage. Newer, younger buildings of strong design quality maybe considered heritage as well. In this regard, the submitter would also like to see various buildings recognised in Brooklyn and consideration given to the mix of buildings in Kilbirnie. Other areas worthy of inclusion are Miramar, Seatoun, Karori and Kelburn.

Submitter 35 is supported by **further submitters FS2 Keith Clement and others, FS3 Tutaenui Co Limited, FS4 Andrew Forbes Grant and FS5 Christina Claire Mitchell** who raise concern that Council is promoting mock and pretend architecture through the use of heritage areas and forcing developments in heritage areas into "style straitjackets".

This point is also raised by **submitter 7 (Newtown Residents Association)** who want the local built environment to make sense historically and, with particular reference Newtown, Berhampore and Mt Cook, does not want areas to become a historical freeze frame.

The submitter notes that buildings in Newtown are from the beginning of the 20<sup>th</sup> century, with renovated and infill buildings embodying materials and styles of their time. Having all those times represented in our building stock is an important characteristic of the local sense of place. A building should be chronologically readable and "of its time".

**Submitter 38 (Brian Main)** lists various modifications undertaken to buildings in the John Street Intersection (Newtown) Shopping Centre Heritage Area and requests that Council define what elements of streetscape and character should be retained as having heritage value.

There are two main points to be made in response to this submission theme. Firstly, the assessment of the proposed heritage areas aligns with the DPC43 heritage provisions that recognise "contributing" buildings, and secondly, Council does not promote faux-heritage and replica architecture.

DPC43 contains a number of policies that seek to identify heritage areas and ensure that buildings, structures, spaces and other features are protected from inappropriate development. The policies ensure that additions and alterations are appropriate and that the heritage values of identified areas is maintained and enhanced (Refer to DCP43 Policies 20.2.1.5, 20.2.1.6, 20.2.1.7 and 20.2.1.8) below:

The explanation to these policies clearly states that heritage areas may include “contributing” buildings that add to the character and coherence of the area and that new development should not replicate historical architecture styles. An excerpt from the policies explanation is as follows:

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

**20.2.1.6 Protect buildings, structures, spaces and other features integral to the significance of a heritage area from demolition, destruction or relocation, where there are no significant effects on heritage values.**

**20.2.1.7 Ensure additions and alterations to existing buildings, any new buildings or subdivision within a heritage area avoid, remedy or mitigate the adverse effects on the heritage values of the heritage area.**

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

...

*Heritage areas cover a variety of features including clusters of commercial or residential buildings or structures (some of which may be listed buildings), areas of land containing special buildings or structures or individual items such as roads, tracks and steps. While heritage areas often contain a concentration of listed heritage items, they also contain other 'contributing buildings' that contribute to the character and coherence of the heritage area. Because of their contribution to the value of the heritage area the contributor buildings warrant the same treatment and control as listed heritage items in terms of building demolition, and the design of additions and alterations.*

*The construction of any new buildings and changes to existing buildings (other than repair and maintenance, internal additions and alterations, and some small scale accessory buildings) has been made a Discretionary Activity (Restricted) to ensure that the proposed work can be fully assessed to maintain the character and qualities of the heritage area. New development should respect the design of its neighbours and the character of the area generally by considering scale, massing, materials, details, orientation and setbacks. New development need not attempt to mimic historical architectural styles, but should distil the essential elements of the established character so that new interpretations will be consistent with, and contribute to, the heritage area's established character.*

...

The proposed heritage areas are based on robust research and expert heritage opinion. Every Centre throughout the city was visited and surveyed to identify which centres warranted more detailed heritage investigation and which areas did not (for example Kilbirnie, Miramar and Seatoun). Important individual buildings and groupings have been identified, as well as those buildings that do not contribute to the heritage values of the area.

The heritage assessment reports clearly identify the construction date of all buildings in the proposed areas and identifies whether specific buildings make a positive contribution to the area. In most cases where replica buildings are found, it is not considered that the buildings detract from that area and therefore have been identified as making a positive contribution to the area.

Thorndon in particular, contains many buildings that have been built in the last 20 years and it is recognised that they have taken their design cues from historical architectural styles prevalent in the area. One possible reason for this is that for many years Thorndon shopping centre has been recognised in the District Plan as part of the Thorndon Character Area. New buildings proposed in the Thorndon Character Area are assessed using the Thorndon Character Area Design Guide, which contains very directive guidelines on how new buildings should be designed. Another reason is that many property owners, architects and members of the community



actually prefer this style of design as opposed to a purely modern style. As a result, Council has seen a trend towards following historical architectural styles in that area.

In more recent years, there has been a concerted effort to update design guidance in the District Plan, and more importantly to strongly emphasise that replication of historical architectural styles is not the design ticket to gaining resource consent.

Plan Change 73 (Suburban Centres Review) has introduced a Centres Design Guide that contains clear guidance that states that while new developments in heritage areas are required to recognise their context, it is neither necessary nor desirable to replicate the style and appearance of other existing buildings. The aim is that the new Centres Design Guide (along with the new Residential Design Guide) will replace the existing Character Area Design Guidance. The new design guides will then be applied in conjunction with the DPC 43 heritage provisions.

Council Officers will continue to emphasise that new buildings should be clearly identifiable as new in their assessment of resource consents, but ultimately it is the applicant's prerogative whether or not to use a contemporary design for their site.

### **6.1.2 Earthquake Prone Buildings Policy 2009**

In line with legislative requirements under the Building Act 2004, Wellington City Council's Earthquake-Prone Buildings Policy 2009 (EQP Policy) outlines the Council's approach to ensuring earthquake-prone buildings are strengthened to the level required by the Building Act. The policy considers all types of buildings except those used wholly or mainly for residential purposes, unless they are two or more storeys high and contain three or more household units. An earthquake-prone building is defined as a building with strength that is one-third (33%) or less than that required for a new building on that site. This level is currently set by the seismic loading standard (NZS 1170.5: 2004).

Wellington City Council Earthquake Prone Buildings Policy's primarily is concerned with ensuring that people who use buildings can do so safely and without endangering their health. Its approach to heritage buildings is to reduce the impact of any strengthening work required on the heritage fabric of the building. This means that for earthquake-prone heritage buildings:

- strengthening is required to a minimum standard of more than 33% so that it is no longer earthquake-prone in terms of the policy
- the maximum timeframes apply, just as it does to all buildings
- a management plan outlining how strengthening will preserve the heritage fabric of buildings is to be provided
- demolition is not encouraged.

Several submitters, including **submitters 13 (Michael Brett Mainey), 24 (John Joseph Dunphy) and 33 (Howard Eastment)** have raised concern about their buildings being potentially earthquake-prone and whether it is reasonable for them to retain and strengthen a building which may not be economically viable in the long term. It is evident to these submitters that they are caught by conflicting Council requirements (heritage retention vs. demolition because of earthquake risk).

In addition, the Christchurch earthquake will no doubt create heightened awareness for territorial authorities, insurance companies, building owners and the public alike about how we manage older buildings. It is noted that post-quake amendments were made by Christchurch City Council to its earthquake-prone building policy to require building owners to strengthen their building to two-thirds (67%) of the structural code.

In light of these submission points and the Christchurch earthquake, Planning Officers and Building Officers have met to discuss the current policy conflict and the recent quake experiences.



Building Officers have indicated that when the current earthquake-prone building policy was reviewed in 2008-2009, Wellington City Council took into account what was learnt from the Gisborne quake. While the Christchurch quake was of greater impact, the issues and how they relate to Wellington's own EQP Policy are very similar. The current EQP Policy is flexible enough to accommodate most strengthening issues (staged, partial, targeted strengthening). As part of the review of the EQP Policy, Council extended the timeframes by five years. This was based on the economic situation, capacity (engineers and contractors), and impact on the city. However given the significant knowledge gained following the Christchurch quake and the Christchurch City Council's policy review, a fresh review of Wellington's EQP Policy will be investigated.

In addition to any review of the specific of the policy that may be considered, it is Officer's view that Council collectively needs to look at how the policy relates to other Council policies and strategic aims. Other possible policies and initiative issues that could be considered include the Wellington Heritage Policy 2010, the Built Heritage Incentive Fund and the Wellington City District Plan. Other initiatives include Councils approach to earthquake-prone buildings on priority routes, the financial impact on owners of earthquake-prone buildings, financial incentives for owners of heritage buildings and advice/guidance given to homeowners.

Informal Officer observations on these policies and initiatives are as follows:

- *The Wellington Heritage Policy 2010*

The EQP Policy focus is on safety of the public, protection of other property and building users. Conversely, the Wellington Heritage Policy seeks to protect and manage the city's heritage by promoting retention. Currently, there is no clear direction on how Officers should manage this conflict. Matters to consider could include:

- Assistance with initial seismic performance studies to determine if the IEP notice is valid, and assistance with preliminary structural design where strengthening work is required.
- Rates relief for buildings strengthened sooner than required by a notice.

- *The Built Heritage Incentive Fund*

The Built Heritage Incentive Fund helps with the conservation, restoration and protection of Wellington's heritage listed buildings and objects. The grants can also help meet some of the additional costs associated with owning and caring for a heritage property.

Is the current \$200,000 fund adequate to cater for increased heritage protection or earthquake strengthening requirements across the city?

- *The Wellington City District Plan*

There are Central Area and Centres-based rules that prevent an owner from demolishing a building unless there is the intention to immediately replace the building with a new structure. There are currently a number of earthquake-prone buildings in the Central Area that could be demolished but are unable to be because they are prevented by the rule. Options may include:

- Requiring an owner to pay a bond to ensure the site is developed within agreed timeframes.
- Allow sites to be cleared and developed into open space or gardens for an agreed timeframe. This could include a rates holiday while the site remains "undeveloped".

- *Earthquake-Prone Buildings on priority routes*

There are a number of buildings deemed to be either earthquake prone or potentially earthquake prone that are located on priority routes, such as Adelaide Rd, Kent/Cambridge Terrace, Basin Reserve. Matters to consider could include:

- Should Council consider shorter timeframes for strengthening those buildings in order to reduce the risk of these routes being affected/blocked in the event of a quake?
- Should Council provide an incentive for people to strengthen these buildings in a shorter timeframe?

- *Earthquake prone vs. earthquake risk buildings*

Christchurch City Council has adopted an EQP Policy which requires buildings to be strengthened to more than 60% of the current structural code. It would appear to be in response to the view that buildings that have a structural performance of less than 67% are an earthquake risk. Matters to consider include:

- Does the Wellington City Council wish to consider requiring buildings to be strengthened to more than 33% of the structural code? Building Officers note that the Building Act does not allow a territorial authority to issue an earthquake prone notice against a building if its structural performance is greater than 33%. This means Council could not require buildings that fall between 33% and 67% to be strengthened.
- How would this discrepancy affect the cost of strengthening the earthquake prone buildings?
- What would be the financial impact be on both the city and the building owners to require a higher level of strengthening?
- What is the Council's legal position if it took up this option?

- *Financial impact on owners of earthquake prone buildings and financial incentives for owners of heritage buildings*

The last review of the EQP Policy did not address building owner concern that there are no financial incentives for building owners to strengthen buildings. This is further complicated when the building is individually listed or located in a heritage area as owners are prevented from demolishing their building as of right. Matters to consider include:

- Are there opportunities to assist or incentivise building owners to strengthen their buildings by providing grants, rates relief, rates rebates etc?
- Given that heritage buildings provide a public good benefit, should owners of heritage buildings be given discounted rates?
- How will these incentives be weighed against the overall cost to the ratepayers?

- *Advice/ guidance to homeowners*

Single dwellings and multi-units are not included in the EQP policy. However, after considering the Christchurch quake one of the greatest impacts was on owners of these types of buildings.

- Should the EQP Policy include single homes?
- Should Council work with the Earthquake Commission, the Insurance Council and the Department of Building and Housing to provide homeowners advice on keeping homes safe, such as strengthening

chimneys, tying houses to their foundations etc? This would not require a review of the EQP Policy but it would require additional funding to undertake this work.

In summary, Officers acknowledge that there are policy conflicts in how Council considers earthquake-prone buildings versus competing urban design and heritage requirements. Whilst relevant to DPC75, it is not appropriate or within the scope of this plan change for Officers to recommend policy changes (such as amendments to the heritage provisions) that may have wider implications. It is Officers' preference that a cross-Council review of policies is undertaken, potentially with a Council commitment to new initiatives to assist owners of heritage buildings. Officers note that Council has agreed to consider a report on the effectiveness of the EQP Policy in March 2011 as part of the forward policy programme. Officers from across Council will work together on this report to ensure that the above issues are highlighted.

### **6.1.3 Public good versus private cost to owners**

Many of the property owners who submitted on the DPC75 raised concern about the cost of owning and maintaining older buildings and feel that heritage area identification would add to this cost. Many submitters considered that it appeared that the Council was achieving its aim of protecting the city's heritage, but this was at the expense of private property owners who continued to carry the cost of upkeep on these buildings and at the expense of potential redevelopment opportunities.

In particular, **Further submitter F2 (Keith Clement and others)** considered that DPC75 fails to achieve a balance between aesthetic desirability and the commercial imperatives (i.e. private costs to property owners). **Submitter 35 (The Architecture Centre)** considered that there is no real financial incentive for owners of the buildings in the areas to carry out expensive repair work to return them to their former glory. They considered the range of uses currently permitted could be reconsidered in order to bring some life back to these areas.

**Further submitters F3 (Tutaenui Co Limited)** and **F4 (Andrew Forbes Grant)** pointed out that very few submitters that supported the plan change actually own property in the proposed areas.

In terms of heritage recognition in the District Plan, Wellington City Council's position is that heritage protection provides communal public benefit which can have potential economic spin-offs for affected property owners. It could be argued that the value of property comes primarily from the investments Council and others have made, for example tax and rate payers, other property owners, employers etc. Owners are certainly entitled to a return on their investment, but the investment that others have made also merits a return. This is the economic justification for all land use controls in the District Plan, and in this regard Council does not consider the issue to be about (heritage) restrictions on private property owners, rather, a question of equity and a return on all public investment.

On the other hand however, these points do not address the perception of many property owners and investors, that heritage protection can have negative implications. Officers consider that education on the heritage rules and the resource consent process is a key to gaining greater acceptance of heritage protection. In addition, greater assistance in terms of financial and technical support could also be provided. Again, these are high level decisions that can not be dealt with as part of this plan change process.

### **6.1.4 Compensation for building owners**

**Submitter 32 (Murray Pillar)** considered that commercial heritage has to exist to facilitate the community's sense of place. He stressed that this does come at a cost to building owners and therefore encouragement is required to maintain this community activity. This submission was supported by **further submitter F6**

**(New Zealand Historic Places Trust)** who sought that Council adopt further financial incentives to assist building owners in heritage areas (i.e. rates relief etc).

Others such as **submitter 10 (Peter James Cox)** felt that building owners could not rely on the Built Heritage Incentive Fund for assistance as it was a small pool of money that is based on a “first come, first served” basis. Others were more critical of the fund, such as **submitter(s) 34 (Simon Williams and Blair Rutherford)** who felt that it carries bureaucratic expectation and is not adequate compensation for the negative impact of being located in a heritage area.

Currently, under the RMA there are no rights to compensation for owners of buildings located in a heritage area. Although monetary compensation is denied by section 85 of the RMA, it does provide property owners with the ability to demonstrate that the heritage area “*renders any land incapable of reasonable use, and places an unfair and unreasonable burden on any person having an interest in the land*”. Officers consider that proposed heritage areas do not render the buildings incapable of reasonable use and that significant opportunity remains in the building stock for adaptive reuse and sensitive redevelopment.

Potentially there are complications in providing compensation to building owners affected by a heritage area. Opportunistic individuals could take advantage of low periods in the property market and seek compensation at the expense of the public purse. Potential litigation relating to the assessment of compensation could also be a problem. There is also the situation where property values may increase due to heritage recognition and gentrification of an area, in which case is the owner to pay for this betterment?

Currently the Council provides financial incentives via the Built Heritage Incentive Fund and reimburses resource consent fees for development triggered by the heritage rules. Officers consider that these tools are a positive way to assist owners with the heritage upkeep of their buildings. Recommendations on funding allocation are outside of the scope of this plan change, but as mentioned in section 6.1.2 of this report, Council has agreed to consider a report on the effectiveness of the EQP Policy in March 2011 as part of the forward policy programme. This paper will most likely canvas some of the interrelated incentive issues surrounding heritage buildings.

#### **6.1.5 Impact on private property rights and development potential**

Many submitters including **submitters 1 (Gin Young), 8 (Mandy Joseph), 23 (John Owen Kelman), 31 (Peter and Theodora Varuhas) and 34 (Simon Williams and Blair Rutherford)** considered that the proposed heritage areas would impact on private property rights and that DPC75 was anti-change, anti-business and anti-progress. These submitters and others felt that the proposed heritage areas would undermine the value of the properties and that they would experience difficulties in the future in on-selling their properties.

Some building owners such as **submitters 13 (Michael Brett Mainey), 24 (John Joseph Dunphy) and 33 (Howard Eastment)** pointed out that they had purchased their property as investments or with the expressed purpose of redeveloping their site. They considered that the proposed heritage area would impact on their investment and development plans.

Other submitters considered that many of the buildings identified in the proposed areas had reached the end of their economic life and therefore owners should not be restricted to demolish their building by heritage protection.

A strong concern of many submitters such as **submitters 2 (Perry Lark), 5 (Francesca Brice), 11 (Telecom New Zealand Limited), 25 (Christina van Zanten) and 33 (Howard Eastment)** was that the proposed heritage areas would lead to uncertainties surrounding the resource consent process. Issues included increased costs in requiring professional services to assist with the resource consent

and increased red-tape and hassle associated with gaining resource consent. Other submitters had concern that outside parties could object to, or have influence over, a proposed development.

Section 5.3 of this report emphasises that, as with any plan change, the goal of any plan change is to achieve public policy objectives while recognising the rights of private owners and this requires the balancing of competing aims and interests.

As discussed, Council sees Wellington's historic heritage as a precious and finite resource that it has an obligation to protect. The areas put forward in this plan change represent collective values which tend to be more than just individual building values alone. This collective recognition helps to retain streetscapes and collections of buildings that make a strong contribution to the heritage character of each suburb and therefore the values are local in the first instance. However, the collection of heritage areas also makes an important contribution to understanding of Wellington's development as a city. They represent physical and cultural legacies that are a significant asset to Wellington City and provide valuable links to the past - for current and future generations. The recommendation to put these items forward for listing is well considered and based on the expert advice of heritage professionals.

From a sustainability argument, Council also consider that reusing and adapting existing building stock is more sustainable than demolishing and constructing new buildings. The purpose of the RMA is to promote sustainable management of natural and physical resources. In terms of historic heritage, recycling and sensitive adaptation is one of the more proactive things that society can collectively do.

Officers do not accept that a lack of maintenance is a reason for stating that a building has reached the end of its economic life. It is considered that generally the city's surviving old buildings have been well built and otherwise have lasted extraordinarily well (even where people have neglected their upkeep). Such durable construction would normally mean that if remedial work is carried out, the building will have a long ongoing service life. Officers are of the view that in most cases there is no reason to think the buildings or structures can't be made to last more or less indefinitely with reasonable upkeep. It is acknowledged that there is a tipping point where neglect has allowed decay or deterioration to run so far that repair isn't possible and reconstruction would be needed to put the building back to use; however on the whole there appears to be few examples of this type of situation in the city.

To reemphasise the points made in Section 5.3, regardless of whether a building is in a heritage area or not, owners will have to meet the requirements of the Centres zone provisions under Plan Change 73. This includes a requirement for Discretionary Activity (Restricted) consent for new buildings and external alterations/modifications on an identified "primary frontage". All of the heritage areas identified in Plan Change 75 are located on primary or secondary frontages, meaning it is likely that they would need resource consent for external alterations/modifications anyway. The resource consent would include consideration of the urban design quality which would be assessed against the Centres Design Guide.

The creation of a heritage area would additionally mean that building owners would be required to obtain resource consent for demolition, as well as for external alterations and additions, and these consents would be assessed against the potential impact on the heritage values of the heritage area in which it sits. Officers consider this additional aspect of resource consent requirements (i.e. whether or not demolition is acceptable) is not an unreasonable burden. The consenting process allows the opportunity for applicants to state their case (e.g. using recognised RMA arguments such as the building is economically unsustainable, the replacement building makes a positive contribution to the area etc).

Officers note that the DPC43 Rule 21B.2.1 which requires resource consent for the construction of new buildings or modifications to existing buildings in heritage areas



contains a “non-notification statement” indicating that the public does not have the opportunity to comment on a proposed development. In terms of demolition, under Rule 21B.2.2, there is no such statement, meaning that the decision to consult with “affected parties” is at Council’s discretion based on whether the effect is “more than minor”.

Officers acknowledge that building owners feel apprehension about the discretionary elements of the heritage rules and what the impact of heritage area will be. The important thing to remember is that when a building is located in a heritage area this does not mean that it must stay locked up and that owners can not make changes to it. The District Plan does not preclude redevelopment altogether and does not remove owner autonomy over decisions concerning their property. Rather, it requires the owner of a building to pay more attention to the design of any new redevelopment. It is the Council’s position that most old buildings are capable of reuse and re-configuration. Continued use of a heritage building is essential to its survival and owners of such buildings still maintain their right to change their building if they wish. At the same time, changes should also not result in the loss of historic and architectural integrity. The Council recognises that the owner may need to cater for the changing needs of building use and it encourages working with applicants to get the best outcomes for all parties.

Council places great emphasis on working with the owners of heritage buildings and provides free conservation and technical advice and always welcomes the opportunity to work with owners from the early stages of a development to explore how good outcomes can be achieved in a cost effective manner that recognises the heritage values of the building. In some cases, if certain criteria are met, owners are also entitled to financial assistance under the Built Heritage Incentive Fund. Financial assistance for maintenance and upkeep, or professional fees is one way in which the Fund can be of assistance for the owners of heritage buildings.

It is considered that the proposed heritage areas are justified and will not render of the properties incapable of reasonable use. They are consistent with sound resource management practice and in keeping with Part II of the Resource Management Act.

#### **6.1.6 Marginal retailing locations**

**Submitter 35 (The Architecture Centre)** consider that the proposed heritage areas represent marginal retailing locations; they are typically run down and poorly maintained. Many older buildings have substantive newer elements which could hardly be considered to be of heritage or character merit.

Whilst it is acknowledged that some of the buildings identified as part of the heritage areas do contain newer elements such as modern windows and shop fronts that are not of heritage value, it is the collective value of the buildings that Council is interested in, rather than the odd detracting feature.

Officers do not accept that just because an area is currently economically stagnant, its heritage value should be ignored. There are many local, regional and national examples of where previously declining clusters of shops have flourished through new ideas and investment and some of the areas identified in DPC75 are also showing signs of regeneration.

#### **6.1.7 Increased cost of insurance**

Submitters **15 (Robyn Sivewright)**, **21 (Aro Valley Community Council)** and **24 (John Joseph Dunphy)** have raised concern that the proposed heritage area may impact on insurance premiums.

In 2008, Council Officers contacted the underwriters of five major insurance to discuss the issue of insurance cover on heritage buildings and for heritage areas. The companies contacted were AMP, AA Insurance Ltd, State Insurance Limited, Tower



Insurance and Lumley General Insurance and also met with the Insurance Council of New Zealand Inc.

All five insurance companies conveyed that they will generally insure buildings that have been recognised by a local authority for their heritage value. All of the insurance companies explained that generally they want to know details of any older property, regardless of whether or not it has a heritage listing. State Insurance for example, has specific criteria and questions for any pre-1935 building regarding its maintenance and upkeep. Their 5 main areas of concern include questions on wiring, plumbing, piling, wall lining and roofing. It is desirable that three out of five of these areas are up to modern day standards. Based on answers to these questions a premium is set. These types of questions were common to all the insurance companies. Generally with older buildings the premiums and insurance excesses are higher due to building materials, craftsmanship etc.

The Insurance Council of New Zealand Inc. also highlighted some interesting points:

- Generally frontline staff will field general insurance questions – specific issues relating to older buildings are very often outside of their level of jurisdiction.
- Insurers will generally have a re-instatement clause in their policies stating that they are not obligated to re-instate a building in an “as was condition” - rather they will use “material and workmanship that is commonly available today”. Council is comfortable with this position and does not require owners of heritage items to replace a building as a replica of what was there prior to loss.
- Specialist insurance companies are available in New Zealand that cater for historic items e.g. ANSVAR Insurance Ltd who provide specialist cover to churches, community care services, retirement villages, care homes and private schools.

Since the Christchurch earthquake, Officers have again contacted Insurance Council of New Zealand Inc to gauge whether there has been a change in policy concerning heritage buildings and areas.

Since the earthquake, there is certainly heightened awareness from the Insurance Council’s members about providing insurance for buildings that were constructed before 1935. Cheaper insurance premiums that may have been available to older buildings may not necessarily continue in the future. This is because generally pre-1935 buildings have basic insurance, covering repair and strengthening of buildings of up to one-third (33%) of the government structural code. In Christchurch, the Christchurch City Council has amended its earthquake-prone building policy to require building owners to strengthen their buildings to two-thirds (67%) of government regulations. According to the Insurance Council, this could add 30% extra cost to strengthening buildings which may lead increased premiums for those Christchurch based property owners.

The Insurance Council indicated that Christchurch is somewhat different from other main cities in New Zealand in that it contains a high number of unreinforced brick and masonry buildings. It is their view that the percentage of similarly constructed buildings would not be as high in Wellington. The Insurance Council has indicated that they are keeping a watching brief on the Christchurch situation and that flow-on effects for the rest of New Zealand may be a possibility.

Based on these discussions, the important thing to remember is that all old buildings, regardless of whether they are identified and protected for their heritage values, are subject to possible insurance changes. It is therefore not accepted that the proposed heritage areas that form this plan change will create insurance cover problems for building owners over and above the cost of owning an old building.

## 6.2 General Submissions

### *Submissions*

**Submitter 9 (Rosamund Averton)** supports the proposed Centres Heritage Area Plan Change 75 and seeks that it is adopted with certain additions as described below:

- The plan change should be extended to include the creation of a waterfront heritage area from Aotea Quay to the Port Nicholson Yacht Club.
- The current backlog of items awaiting heritage assessment should be remedied. A small team of dedicated qualified heritage architects/planners should be established to ensure that this unfair situation is remedied promptly.
- A community consultative heritage committee should be established to ensure suitable renovation and protection of historic heritage buildings, structures, vegetation and sites.
- Any additions to historic heritage buildings must be congruent in colour, style and location of the original building or structure.
- A statement should be included that clearly states where Centres Heritage Areas fits in relation to the New Zealand Coastal Policy Statement, Regional Coastal Plan, Historic Places Act and the ICOMOS Charter.
- The District Plan should protect all or any historic heritage stock whether owned by the Council, Port Authority, OnTrack, or by any other private, commercial bodies or individuals until such time as Council has completed a full audit of each Wellington suburb to ascertain the historical record and provide protection from demolition or removal from a site of a heritage buildings and or structures.
- A register of mature, visually prominent trees and bush should be established, with the ultimate goal that all vegetation is afforded the protection of the District Plan. A separate recording system should be established and encouraged; whereby all new flora are recorded for posterity.
- Heritage trees felled on purpose or inadvertently, should be replaced within a reasonable time with a large tree of the same species. The original tree should be memorialised as above.
- All heritage buildings and structures demolished with consent and after public notification should be memorialised with a plaque which is visible from the street. This plaque should be paid for by the demolisher; who should also be responsible for the erection of a map-board/legend telling the history of the site and of the demolished building or structure.

**Submitter 12 (Greater Wellington Regional Council)** supports District Plan Change 75. The submitter considers that DPC 75 is generally consistent with the Operative Regional Policy Statement (1995) and the Proposed Regional Policy Statement (2009) (PRPS).

In terms of historic heritage values, the PRPS Policies 20 and 21 must be given effect to by regional, city and district plans. DPC75 has undertaken an assessment to determine the heritage significance of each area. This assessment process aligns with Policy 20 of the PRPS. The area would be protected by DPC43 (heritage provisions) which is consistent with Policy 22 of the PRPS.

Policies 29 and 30 of the PRPS require city or district Councils to identify significant centres and support intensification to maintain and enhance viability and vibrancy. The submitter does not consider that DPC75 is in conflict with these policies.

**Submitter 14 (New Zealand Historic Places Trust)** supports District Plan

Change 75 and considers that the remnants of historic suburban town centres, including the commercial buildings, have created a sense of identity and place which is important to each of the Centres identified. This allows people to experience in some way a taste of how past generations lived and to develop a greater understanding of our history and identity.

NZHPT consider that the heritage area assessment reports are a thorough examination of the heritage values of the commercial buildings in these areas, offering a compelling argument for their protection. NZHPT is supportive of the requirement to gain discretionary resource consent for the demolition of any building protected in the identified heritage areas.

NZHPT has also made a further submission on DPC 75 which largely focuses on specific areas and where buildings owners have opposed the inclusion of their property in the plan change. The further submission points are addressed in section 6.3 of this report.

**Submitter 35 (The Architecture Centre)** opposes the plan change in its current state, but does support the intention behind it.

Amongst other things, the submitter considers DPC75 has confused character buildings with actual heritage buildings; the proposed heritage areas represent marginal retailing locations; there is no real financial incentive for owners to renovate their buildings.

The submitter would also like to see various buildings recognised in Brooklyn and consideration given to the mix of buildings in Kilbirnie. Other areas the submitters consider worthy of inclusion are Miramar, Seatoun, Karori and Kelburn.

The submitter also suggests a number of amendments to the proposed heritage areas.

**Submitter 36 (Martin Read)** supports DPC75. This support is based on the following:

- The heritage areas are a natural result of the alignment of Acts, policies and 'tools' to protect Wellington's heritage.
- The low number of objections to the proposal which would allow for the assumption that a large amount people support the proposal. The concerns raised by those that did not support the proposed areas have been already eliminated or can be minimised.
- The small number of buildings being impacted by the plan change, and the low level of the impact of the plan change (i.e. the total proposed suburban centre heritage areas amount to less than 0.2% of the total rating units in Wellington). There are only 3-4 comparable 'areas listing in the District Plan. All of the areas identified are located on primary or secondary frontages meaning resource consent would be required for external changes. Building owners can apply for resource consent fee reimbursement.
- The value of a heritage area compared to individual heritage listings. An individually listed building is not restricted on replacement (should the building be lost). In an area, a replacement building can be designed in sympathy to the rest of the area. Heritage status can create greater pride in an area, foster greater community spirit and raise property values (e.g. Tarikaka Street).
- The Adelaide Road area heritage value and risk. The submitter provides a historical overview of 169, 171 and 175 Adelaide Road which were built by the submitter's ancestor. Redevelopment plans for Adelaide road could impact on the buildings, should the area not proceed.

### Discussion

The support of **submitter 9 (Rosamund Averton)** for Plan Change 75 is

acknowledged, however most of the additional requests made in the submission are outside of the scope of this plan change or require political or strategic direction and therefore can not be addressed through this process. Responses to the submitter's points are as follows:

- *The plan change should be extended to include the creation of a waterfront heritage area from Aotea Quay to the Port Nicholson Yacht Club.*

DPC75 deals with suburban shopping centres. The creation of a waterfront heritage area, as suggested by the submitter, is located in the Central Area which is outside of the scope of DPC 75. Officers note that there is already a heritage area identified at Clyde Quay and that previous plan changes have individually listed many waterfront buildings.

- *The current backlog of items awaiting heritage assessment should be remedied. A small team of dedicated qualified heritage architects/planners should be established to ensure that this unfair situation is remedied promptly.*

Prioritisation and programming of work to be undertaken by Officers is established by way of the "forward programme" which is agreed by Council's Policy and Strategy Committee. To ensure that all heritage matters throughout the city are considered equally, the Heritage and Urban Design Team prioritise work programmes to ensure that all work is carried out systematically and fairly. It is considered that this arrangement is adequate and addresses city-wide heritage matters appropriately.

- *A community consultative heritage committee should be established to ensure suitable renovation and protection of historic heritage buildings, structures, vegetation and sites.*

Officers consider that appropriate community involvement is set out under the RMA resource consent process.

- *Any additions to historic heritage buildings must be congruent in colour, style and location of the original building or structure.*

There are different opinions within the community on whether new additions to heritage buildings should be built in the same style or should be a completely modern addition "of its time". Council does not promote replication of heritage architecture, but does accept that some building owners may wish to develop their property this way. All resource consents go through a thorough urban design and heritage assessment to ensure that new additions are appropriate to the host building and for the area. Officers are satisfied that the submitter's concerns are addressed in this regard.

- *A statement should be included that clearly states where Centres Heritage Areas fits in relation to the New Zealand Coastal Policy Statement, Regional Coastal Plan, Historic Places Act and the ICOMOS Charter.*

The introduction to chapter 20 to Plan Change 43 heritage provisions clearly identifies other matters relating to the protection of heritage such as the ICOMOS charter of New Zealand, relationship with New Zealand Historic Places Trust etc.

- *The District Plan should protect all or any historic heritage stock whether owned by the Council, Port Authority, OnTrack, or by any other private, commercial bodies or individuals until such time as Council has completed a full audit of each Wellington suburb to ascertain the historical record and provide protection from demolition or removal from a site of a heritage buildings and or structures.*

Officers are of the opinion that this would be an unrealistic expectation and would not provide advancement in heritage protection and conservation in the city.

- *A register of mature, visually prominent trees and bush should be established, with the ultimate goal that all vegetation is afforded the protection of the District Plan. A separate recording system should be established and encouraged; whereby all new flora are recorded for posterity.*

Councils Parks and Gardens team is currently surveying and assessing a number of prominent and important trees in the city with the aim that they will be listed in the District Plan as heritage trees. It is anticipated that this work will be completed next year, with a plan change date to be agreed on the forward programme. In addition, from time to time, new conservation area zoning is afforded to important areas of vegetation. Officers consider that at this time, adequate mechanisms are available to recognise and protect important trees and vegetation as necessary.

- *Heritage trees felled on purpose or inadvertently, should be replaced within a reasonable time with a large tree of the same species. The original tree should be memorialised as above.*

Officers are satisfied that the operative and DPC 43 heritage provisions that apply to trees are an appropriate form of protection and do not support the further requirements as suggested by the submitter.

- *All heritage buildings and structures demolished with consent and after public notification should be memorialised with a plaque which is visible from the street. This plaque should be paid for by the demolisher; who should also be responsible for the erection of a map-board/legend telling the history of the site and of the demolished building or structure.*

Whilst it is acknowledged that this is a good idea, blanket provisions may not always be appropriate in every case. Given that the onus would be on property owners to erect the plaque/educational board, Council would have little ability to ensure a consistent design and appearance. From a streetscape and urban design perspective, plaques and educational boards that are poorly designed and located can detract from the appearance of an area and add unwanted visual clutter to the streetscape. In this regard, submitter 9 can not be supported.

The support of **submitter 12 (Greater Wellington Regional Council)** is acknowledged and in this regard it is recommended that the submission is accepted.

The support of **submitter 14 (New Zealand Historic Places Trust)** is acknowledged and in this regard it is recommended that the submission is accepted.

Although **Submitter 35 (The Architecture Centre)** opposes the plan change in its current state, they do support the intention behind it. The submitter raises philosophical points about what should be classed as heritage and is critical that the plan change does not recognise enough contemporary architecture in the city. Many of the points that they raise (i.e. character v heritage, building owner support and financial incentives etc) are addressed under the common themes section 6.1 of this report.

In response to the submitter's suggestion that other shopping centres should be considered/included in the plan change, a thorough survey was undertaken of every Centre throughout the city to identify which areas warranted more detailed heritage investigation. Initially, ten Centres were identified for further investigation during survey and this did include Brooklyn and Kelburn. Other areas such as Berhampore (Adelaide Road), Miramar and Seatoun were not found warrant further investigation.

Specifically concerning Brooklyn and Kelburn, it was considered that although the areas did contain some individual noteworthy buildings, collectively the buildings did not have a strong enough case to warrant proceeding as a proposed heritage area. In particular, it was considered that Brooklyn, although replete with interesting old buildings and of heritage interest, did not have an especially continuous streetscape



character. Intrusive modern developments on two key street corners also detract from the historic character of the area. Kelburn was identified as having some historic and streetscape value but was insufficient to merit consideration as a heritage area.

Based on this research, Officers do not accept that further investigation needs to be given to the shopping centres put forward by the submitter. However, the submitter suggested amendments to the proposed heritage areas and these are discussed under the area specific section 6.3 of this report.

The support of **Submitter 36 (Martin Read)** is acknowledged and in this regard it is recommended that the submission is accepted.

#### *Officer Recommendations*

**Accept in part submission 9** insofar that it supports proposed Plan Change 75. For the reasons outlined in the discussion, additional comments/amendments are noted, but changes are not considered to be appropriate or within the scope of the plan change.

**Accept submission 12** in so far that it supports proposed Plan Change 75.

**Accept submission 14** in so far that it supports proposed Plan Change 75.

**Reject submission 35** in so far that it opposes proposed Plan Change 75.

**Reject submission 35** in so far that it seeks that Brooklyn, Kilbirnie, Miramar, Seatoun, Karori and Kelburn are considered and/or included as part of the Plan Change.

**Accept submission 36** in so far that it supports proposed Plan Change 75.

### **6.3 Submissions that refer to a specific building located in a proposed heritage area or the creation of proposed heritage area as a whole**

#### **6.3.1 Aro Valley Shopping Centre Heritage Area**

In total 10 main submissions and five further submissions were received on the proposed creation of a heritage area in Aro Valley. Of those submissions, nine submissions were in support and five submissions were in opposition to the proposal. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

#### *Submissions in support*

Specifically **submitters 4 (Gwyneth Trevor Bright), 15 (Robyn Sivewright), 16 (Alan Joseph Fairless), 17 (Jaqui Tutt), 18 (Julia Margaret Brooke-White), 19 (Lisa Thompson), 20 (Roland Sapsford)** and **21 (Aro Valley Community Council)** all supported the proposed heritage area.

In general, the main points of these submissions are as follows:

- The heritage area will help to conserve early 19<sup>th</sup> century streetscapes
- The heritage, character and amenity value of the Aro Valley suburban centre is significant both in its own right and in its contribution to the character, amenity and heritage values of Aro Valley as a whole.

Specifically, **submitter 15 (Robyn Sivewright)** sought that the infill two-storey residential property at 3 Devon be removed from the proposed area.

Submitter **20 (Roland Sapsford)** also requested that the heritage assessments



circulated as part of the draft Suburban Centres Review (later to become DPC 73) be included in the Centres Design Guide so they can be used as part of the resource consent process.

Although not part of this plan change, some submitters did raise concern about the resource consent granted at 85 Aro Street, public notification of resource consents in Aro Valley, the extension of the commercial zoning in Aro valley (under DPC 73), potential impact on insurance cover and financial incentives for building owners. Aside from the resource consent for 85 Aro Street and the extension of the commercial zoning, these issues are discussed under section 6.1 of this report.

#### Submissions in opposition

**Submitter 5 (Francesca Brice) and further submitters FS2 (Keith Clement and others), FS3 (Tutaenui Co Limited), FS4 (Andrew Forbes Grant) and FS5 (Christina Claire Mitchell)** are all opposed the proposed Heritage Area.

In general, the main points of these submissions are as follows:

- DPC 75 is anti-change, anti-business and anti-progress and adds more red tape which will contribute to the decline of Aro Valley
- DPC 75 will give Council and individuals associated with Council too much power
- Impact on private property rights and increased cost of insurance
- Increased compliance costs
- DCP 75 will prejudice redevelopment of land. It should be up to owners to preserve their property if they wish
- Council should compensate building owners
- There are few supporters of DPC75 who actually own land
- The proposed heritage areas represent marginal retailing locations
- The area will become an enforced environment, dictated by style restraints and devoid of character or life.
- The non-contributing building owners are at an unfair advantage and DPC75 does not treat all rate payers equally. If all building owners had responded unsympathetically they would also be excluded
- The inclusion of additional Aro Valley land as Centres is nonsense. The land contains no heritage and will lead to Council demanding more mock and pretend architecture.

In particular **FS3 (Tutaenui Co Limited)** considers that 83 and 97 Aro Street do not warrant heritage status.

#### Other submissions

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and that 93a and 97 Aro Street be removed from the proposed area and that 3 Epuni Street and 3-5 Devon Street are included in the proposed area. This submission was opposed by **further submitter FS1 (Roland Sapsford)**.

#### Discussion

Specifically concerning the submission points regarding the resource consent for a multi-unit development to the rear of the fish and chip shop at 85 Aro Street, Officers note that this resource consent was granted prior to the notification of DCP73 (Suburban Centres Review) and DPC75. Given that the development is yet to commence, new resource consent will now be needed that takes into account the requirements of these plan changes. This means the proposed development will need to be reassessed using the new Centres Design Guide and will also need to take into account the impact it may have on the heritage values of the area. Although new consent will be required, it is unlikely that this will be publicly notified.

This leads discussion to some submitters' points on notification of resource consents in Aro Valley. Currently, most resource consents are processed on a 'non-notified' or limited-notification' basis. Given the enhanced focus on urban design considerations by way of new and improved design guidance in the District Plan, Officers consider that it is appropriate that resource consents are on a non-notified or limited-notification. There is discretion for Council to publicly notify a resource consent if necessary and Officers are comfortable with this position.

Other submitters have raised concern regarding the proposed rezoning of the ex-service station site at 68-70 Aro Street and the residential properties at 72, 76 and 82 Aro Street from Inner Residential to Centres. This decision has been made under DPC73 and is currently challenged by way of appeal by Roland Sapsford. This issue will be dealt with under the DCP73 process and it is not considered appropriate for Officers to comment on that proposal as part of this Officer's Report.

Submitter **20 (Roland Sapsford)** has requested that the heritage summaries circulated as part of the draft Suburban Centres Review (later to become DPC 73) be included in the Centres Design Guide so they can be used as part of the resource consent process. It is Officers' intention to include these heritage summaries as appendices to the Centres Design Guide. However the timing of DPC73 and DCP75 mean that these can not be aligned at this stage. The decision on DPC73 was notified 29 September 2010, with 14 appeals received (including one on the Centres Design Guide). However, given that no decision has been made on the future of the proposed heritage areas that form part of this plan change, it is not appropriate to include the heritage summaries for the areas as appendices to the Centres Design Guide at this stage. Depending on the outcome of the DCP75 decision, Officers will add these heritage summaries to the Centres Design Guide at a later date. In the meantime however, it is considered that the Centres Design Guide will provide effective advice for new development proposed in any one of the potential heritage areas.

**Submitter 15 (Robyn Sivewright)** sought that the infill two-storey residential property at 3 Devon be removed from the proposed area. Officer's note that this property was included as part of the heritage area as it is located to the rear of a old shop that faces Aro Street (100 Aro Street). This is consistent with the approach that has been taken for the assessment of the proposed heritage areas in that the entire site boundaries have generally been included. It is considered that the character does change from commercial to residential at this point that it is appropriate to exclude the property from the proposed Aro Valley area. Therefore, it is recommended that the request of submitter 15 is accepted. An updated map showing these recommended changes is contained in Appendix 1 of this report.

Given the above position, it is not recommended that **Submitter 35's (The Architecture Centre)** request that 3 Epuni Street and 3-5 Devon Street are included in the proposed area is accepted.



3 Devon Street



3-5 Devon Street



3 Epuni Street

The submission points of **submitter 5 (Francesca Brice)** and **further submitters FS2 (Keith Clement and others)**, and **FS5 (Christina Claire Mitchell)** have largely been addressed in the common themes section 6.1 of this report. However, Officers offer the following additional comments to the points made:

It is not considered that the proposed area will erode that sense of community or indeed hinder building owner ability to adapt their properties to their changing demands as they have traditionally done. Officers acknowledge that most building owners in the area have been sensitive to the heritage values of the area and this is demonstrated in the quality of the incremental changes that have been made. Officers consider that the heritage area will add to this momentum and provide opportunities for building owners to work with Council to achieve even better outcomes which will be of benefit to all. As discussed throughout this report, it is not considered that the proposed heritage area will mean that buildings are frozen in time and that owners won't be able to modify their building in the future. The heritage area means that building owners need to work with Council so that a balance is struck that allows adaptations to properties that are sensitive and appropriate to the heritage values. This does not mean however, that new additions must be a pastiche of original design. Modern design and building materials can be quite acceptable.

Specifically concerning the points made by **further submitters FS3 (Tutaenui Co Limited)** and **FS4 (Andrew Forbes Grant)** that 83, 97 and 104 Aro Street have been extensively modernised and do not warrant heritage

status, this position is not accepted by Officers or the Council's heritage consultants.



83 Aro Street



Front of 97 Aro Street

83 Aro Street (Aro Bake) was built in 1889 and although renovated and altered over time, it has been handled with a degree of sensitivity, including the use of generally matching materials. In this regard it is still considered to retain a high degree of heritage integrity.

The front building at 97 Aro Street (Aro Video) was constructed in 1897 and has seen various changes over the years. However, its longevity is historically important to the shopping centre and its central position and smart appearance continue to make a positive contribution to the area. However, the rear modern office and house at 97 Aro Street has been mistakenly included within the boundaries of the area and it is recommended that this should be removed. In this regard, it is recommended that the request of **submitter 35 (The Architecture Centre)** to remove this rear building at 97 Aro Street is accepted. An updated map showing this recommended change is contained in Appendix 1 of this report.

104 (and 106) Aro Street is a semi-detached building that was constructed as a house around 1894. In 1909 the buildings were extended to the footpath and converted to shops and upstairs residences. These late Victorian buildings continue to make a valued contribution to the proposed area and it

is not accepted that they do not retain heritage value. **Submitter 35 (The Architecture Centre)** also requests that 93a Aro Street (framers and hair dressers) is identified as a non-heritage building in the area. This is a large single-storey commercial building that was originally constructed in 1900. It has seen much alteration over time, but on balance it is considered to still retain sufficient heritage fabric and historic connection to warrant inclusion in the proposed area.



Rear of 97 Aro Street



104 Aro Street



93a Aro Street



For recommended amendments discussed above, please refer to appendix map 9 shown in Appendix 1 of this Officers Report.

Officer recommendations

**Accept submissions 4, 15, 16, 17, 18, 19, 20, 21 and further submission FS1** insofar that they support the proposed Aro Valley Shopping Centre Heritage Area.

**Accept submission 15** insofar that they request that 3 Devon Street is removed from proposed Aro Valley Shopping Centre Heritage Area.

**Reject submission 35** insofar that it requests that 3 Epuni Street and 1-3 Devon Street are included in proposed Aro Valley Shopping Centre Heritage Area.

**Accept submission 35** insofar that they request that the rear property at 97 Aro Street is identified as non-heritage by way that it has been removed from proposed Aro Valley Shopping Centre Heritage Area.

**Reject submission 5 and further submissions FS3, FS4 and FS5** insofar that they request that Council withdraw the plan change in respect of Aro Valley.

**Reject further submission FS2** insofar that it requests that Council withdraw Plan Change 75.

### **6.3.2 Berhampore (Rintoul Street) Shopping Centre Heritage Area**

In total 3 submissions and one further submission was received on the proposed creation of a heritage area in Berhampore (Rintoul Street). Of those submissions, one submission was in support and one submission was in opposition. One submitter was neither supportive nor opposed to the proposed area.

Submission in support

In general, the main points of **submitter 7 (Newtown Residents Association [NRA])** are as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.
- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

Submission in opposition

In general, the main points of **submitter(s) 34 (Simon Williams and Blair Rutherford)** are as follows:

- The submitters do not consider that 209 and 211 Rintoul Street contribute to the proposed heritage area or add to an understanding of historic heritage. The buildings can not reasonably be considered under S189 of the RMA (Heritage Order).
- DPC 75 demonstrates poor planning policy by Council and appears to be a group scheduling without proper analysis or consideration.
- The submitter provides opinion from Bruce Petry of Salmond Reed Architects who states that the plan change appears to “*lack contextual thematic analysis where by reducing a wider understanding of the area and therefore avoids addressing key heritage issues*”. Mr Petry considers that there has been little analytical understanding of Berhampore’s context, “*particularly the association with Athletic Park and the Transport patterns that formed the*



*commercial structure linking Rintoul Street and Adelaide Road via Luxford Street”. He considers that this has been “misunderstood and identified as two commercial areas, where the centre is very likely to have been conceived as one commercial area”.*

- Targeted consultation was not followed up in Berhampore.
- 209 Rintoul Street is substantially altered and has been used as a house for almost 30 years.
- The proposed heritage area would decrease the saleability and market value of the properties; increase compliance costs; impact on private property rights; increase maintenance costs; increase restrictions/cost that could lead to inadequate maintenance and improvement to security and comfort; create difficulties in making the properties more suitable for residential use; decrease redevelopment options and increase costs in securing professional services to assist with resource consents
- The Built Heritage Incentive fund carries bureaucratic expectation and is not adequate compensation for the negative impact

This submission is opposed by **further submission FS6 (New Zealand Historic Places Trust)**.

Other submissions

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and also suggested that a number of buildings located southwards of 454 Adelaide Road also be considered as heritage area.

Discussion

The **submitter(s) 34 (Simon Williams and Blair Rutherford)** have provided a detailed submission on why they feel that the proposed area will have detrimental impact on their properties. Much of the issues that they have raised are considered as part of section 6.1 of this report.



However, specifically concerning the submitters properties at 209 and 211 Rintoul Street, it is noted that both properties contain largely underdeveloped rear gardens that could be individually redeveloped or combined and subdivided to provide greater development opportunities. The positioning of these properties on this

prominent Rintoul, Milton and Luxford Streets corner has important urban design considerations, as well as heritage value. The buildings are representative of 19<sup>th</sup> century suburban streetscape and still have a strong connection with the commercial buildings on Rintoul Street. Therefore it is considered that any future development on the sites needs to be considered carefully via a resource consent process that the heritage area would entail. However, with any type of development, Council believes that open dialogue is essential to striking that balance of what is appropriate for the existing environment and retaining as far as possible owner autonomy.

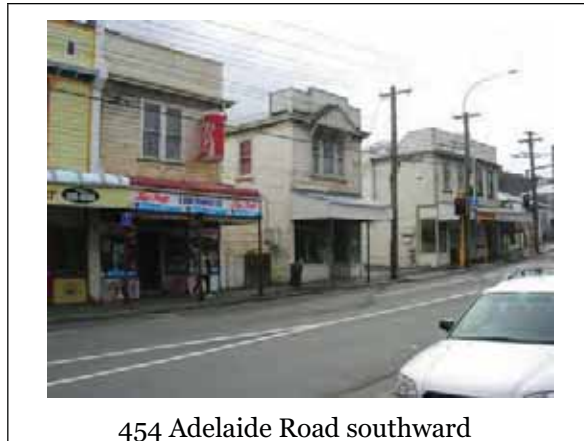
The submitters have provided architectural opinion from Bruce Petry of Salmond Reed Architects. He questions the validity of the area of the view that the proposed area will not achieve the Council's aim of recognising Wellington's heritage.

This is disputed by Council's heritage consultants Michael Kelly and Russell Murray. The proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area is considered to be a rare and significant representative snapshot of a 19<sup>th</sup> century suburban streetscape that illustrates an important era in the history and development of Berhampore. The area has a strong historic connection with early transportation in Wellington and the fact that the prominent 1896 building of 216-218 Rintoul Street was altered into a canted fashion to accommodate improvement to the tramway in 1923 demonstrates this.

Mr Petry's suggestion that the nearby Adelaide Road centre and that the Rintoul Street centre would have very likely to have been conceived as one commercial area is not accepted as there is no particular historical or physical evidence to support Mr Petry's view of Berhampore's development. Instead, what is likely to have occurred is that speculators have built shops in two separate locations to draw not only on the traffic to be carried on two key roads but also to attract custom from those living on either side of the valley. There are some older ex-commercial buildings in Luxford Street but there is a clear physical distinction between the shops in Rintoul Street and those in Adelaide Road that cannot be explained simply by a decline in prosperity. As to the relative merits of the two areas, it is apparent that the relative integrity of the Rintoul Street area is the key point of difference with the Adelaide Road area.

In summary, it is considered that the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area is an appropriate mechanism to ensure effective management of the heritage values and character of the Berhampore neighbourhood. It is recommended that all identified properties that front the corner of Rintoul, Milton and Luxford Streets be retained in the heritage area to allow the overall character and heritage values of this part of the Berhampore neighbourhood to be appropriately managed. In this regard, it is not recommended that the submission of submitter(s) 34 is accepted.

In response to **submitter 35's (The Architecture Centre)** suggestion that the cluster of shops located on the Adelaide Road/Luxford Street, Berhampore be considered/included in the plan change, as previously discussed, this area was carefully surveyed and it was considered that the historic streetscape was too fragmented, with too few buildings remaining. The area had also been compromised by a number of insensitive modern developments. It is for these reasons that this part of submitter 35's submission is not accepted.



454 Adelaide Road southward

The support of **submitter 7 (Newtown Residents Association (NRA))** and **further submission FS6 (New Zealand Historic Places Trust)** is noted and accepted.

*Officer Recommendation*

**Accept submission 7** insofar that they support the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

**Reject submission 34** insofar that it requests that 209 and 211 Rintoul Street are identified as non-heritage in the proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

**Accept further submission FS6 (New Zealand Historic Places Trust)** insofar that they support the inclusion of 209 and 211 Rintoul Street proposed Berhampore (Rintoul Street) Shopping Centre Heritage Area.

**Reject submission 35** insofar that it requests that the buildings located southwards of 454 Adelaide Road, Berhampore also be considered as heritage area.

### 6.3.3 Hataitai Shopping Centre Heritage Area

In total four submissions and one further submission was received on the proposed creation of a heritage area in Hataitai. Three submissions were opposed to the proposed area. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

*Submissions in opposition*

**Submitters 3 (Jeremy Smith – The Realm Bar and Bottle Store), 11 (Telecom New Zealand Limited) and 37 (Estate Nelson Young)** are all opposed to the proposed Heritage Area.

**Submitter 3 (Jeremy Smith – The Realm Bar and Bottle Store)** considers that there is no logical reason why the Hataitai shopping centre is remotely historic. The submitter considers that the shops are uninspiring, scruffy and tired.

**Submitter 11 (Telecom New Zealand Limited)** seeks the exclusion of the Hataitai Exchange building at 32-34 Waitoa Road from the proposed heritage area.

The building is predominately used today as a utility site (telephone exchange and telecommunications site) and is designated in the District Plan as T3: Hataitai Exchange. If the building was included in the proposed heritage area, the heritage values would need to be considered for any future outline plans of work. As an Exchange, there is likely to be future external changes and the proposed heritage area would result in restrictions on the future use and development of the utility site.

The building is utilitarian and not consistent with the other selected buildings to be

included in the heritage area in terms of character and continuity. The submitter considers the heritage value that has been attributed to the building is unwarranted and unnecessary and the proposed heritage area will potentially impact on the provision of telecommunications services as a result.

**Submitter 37 (Estate Nelson Young)** submits that 24 Waitoa Road should be excluded from the proposed area. It considers that the building is not of such social, historical, technical or architectural value that the proposed listing as a heritage site is warranted. It is not listed in the NZHPT register as a property of heritage significance. The designation as a heritage building will prevent the proper and continuing use of the building.

These submissions were opposed by **further submitter FS6 (New Zealand Historic Places Trust)**.

Other submission

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and 7 Moxham Avenue and 24b Waitoa Road are identified as non-heritage buildings and that 17a Moxham Ave be included in the proposed area.

Discussion

**Submitter 3's (Jeremy Smith – The Realm Bar and Bottle Store)** suggestion that there is no logical reason why the Hataitai shopping centre is remotely historic is not accepted. The variety in age and type of buildings, the strong historic and visual contribution of those buildings and the collective value of the buildings makes Hataitai shopping centre important as a heritage area. The Realm Bar at 7 Moxham Avenue makes a very important historic contribution in that it was once The Realm Ballroom which remained a popular place for socialising and dancing for decades. The front building does not possess the same value; however, it is inextricably linked with the rear ballroom and therefore included in the proposed area. For these reasons, it is recommended that submission 3 is rejected.

In this regard, the request of **Submitter 35 (The Architecture Centre)** that 7 Moxham Avenue be identified as a non-heritage buildings is also not accepted.



**Submitter 11 (Telecom New Zealand Limited)** does not comment on the wider heritage area as such, but seeks that the Hataitai Exchange building at 32-34 Waitoa Road is excluded. Given the building is of modern 1950's construction and is utilitarian in nature; the submitter does not consider it consistent with the other buildings in the area. The submitter also points out that it is designated in the District Plan as T3: Hataitai Exchange and is concerned that the proposal will potentially impact on the provision of telecommunications services as a result.

To help better understand the reasoning behind the proposed heritage, the submitter requested a pre-hearing meeting with Council Officers and representatives from New Zealand Historic Places Trust. The meeting was undertaken in accordance with Clause 8AA of the First Schedule of the RMA, and accordingly a record of that



meeting is attached in appendix 2 of this Officers Report.

Points surrounding the background research into the area, the designation, the operational function of the building and its modern design were all discussed at the meeting.

Representatives from New Zealand Historic Places Trust considered that the building is a good example of post war modern architecture which was being carried out by the Ministry of Works at the time. Although there is no national audit of such examples, in the experience of NZHPT, nationally this style of 1950s building is becoming rarer. They were of the view that the building strongly defines the corner and this adds to the heritage value of the proposed collection of heritage buildings. In this respect, they believe the building is important for its contribution to the group of heritage buildings in Hataitai. They also considered that 32-34 Waitoa Road is a fine example of its type which is not represented on the NZHPT register in the central region.

Specifically concerning the designation, representatives from Telecom explained that the current designation process under the Resource Management Act could change. In addition, if Telecom sought to have the designation rolled over, Council would have the ability to then attach conditions to the site that could focus on heritage matters. This uncertainty was an area of concern for Telecom.

Telecom explained that they struggled to accept that the building was of such merit that it warranted inclusion in the proposed heritage area. Whilst, Telecom is supportive of heritage protection, it was stressed that the key for Telecom's national portfolio is about finding the right balance and recognising buildings of significant value. From Telecom's perspective, 32-34 Waitoa Road did not possess high enough values.

Officers and the Council's heritage consultants consider that the building is locally important to its context and is situated on prominent location on the key intersection of Hataitai shopping centre. The building has an interesting 1940s-style Modernist design which is important to the collective nature of the buildings identified in the proposed area. Given that site is designated for telecommunications use, it is not accepted that on-going use and function of the site will be compromised by the proposed heritage area. It is for these reasons that submitter 11's request to have the building excluded from the proposed area can not be supported.

With regard to **submitter 37 (Estate Nelson Young)** request that 24 Waitoa Road should be excluded from the proposed area, it is recommended that this submission is rejected in part. It considered that the front 1912 shop retains a high level of heritage integrity, but that the rear infill house on the same site does not possess these values. In this regard it is recommended that rear house of 24b Waitoa Road is excluded from DPC75. Officers are of the view that this is an acceptable outcome and that this recommendation will not prevent the proper and continuing use of the buildings, as suggested by the submitter. In this regard, the request of **Submitter 35 (The Architecture Centre)** 24b Waitoa Road be identified as a non-heritage buildings is partly addressed.





With reference to the additional request by **Submitter 35 (The Architecture Centre)** that 17a Moxham Ave be included, this is not recommended as the site has mistakenly been included in the heritage area boundaries. The site contains two buildings, the front villa being original to the site, with the rear building (which has been identified as a non-heritage building) constructed in 1984. The buildings were not assessed as part of the heritage assessment report and therefore have been revisited as part of this submission process. Whilst the villa is original to the site, in 1988 it was moved further back, presumably to accommodate a car parking area. It is considered that the heritage values of the site have been compromised and that the set back of the building provides a natural end point to the proposed heritage area. Officers recommend that the Hataitai maps are amended to exclude the site altogether.

For recommended amendments discussed above, please refer to appendix map 11 shown in Appendix 1 of this Officers Report.

#### Officer recommendations

**Reject submission 3** insofar that they consider there would be no benefit in declaring the area a heritage area.

**Reject submission 11** insofar that they request the removal of 32-34 Waitoa Road from the proposed Hataitai Shopping Centre Heritage Area.

**Accept further submission FS6** insofar that they support the creation of a heritage area in Hataitai and oppose the removal of 32-34 Waitoa Road from the proposed Hataitai Shopping Centre Heritage Area.

**Reject in part submission 35** insofar that they request that 24b Waitoa Road is identified as non-heritage, but in doing so exclude this rear building from the proposed Hataitai Shopping Centre Heritage Area.

**Reject in part submission 37** insofar that they request that the entire site of 24 Waitoa Road is removed from the proposed area, but in doing so; exclude the rear property of 24b Waitoa Road from the heritage area.

**Accept in part further submission FS6** insofar that they request that 24 Waitoa Road is retained from the proposed area, but in doing so; exclude the rear property of 24b Waitoa Road from the heritage area

**Reject submission 35** insofar that they request that 17a Moxham Avenue is included in the proposed Hataitai Shopping Centre Heritage Area.

#### **6.3.4 John Street Intersection (Newtown) Shopping Centre Heritage Area**

In total 14 main submissions and one further submission was received on the proposed creation of a heritage area at the John Street Intersection. Of those submissions, one submission was in full support, one submission was in conditional support and 11 submissions were in opposition to the proposal. One submitter neither supported nor objected to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

#### Submissions in support

**Submitter 7 (Newtown Residents Association (NRA))** was in full support of the proposed heritage area. **Submitter 25 (Christina van Zanten)** was in conditional support of the proposed heritage area.

In general, the main points of **submitter 7 (Newtown Residents Association (NRA))** are as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a

sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.

- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

**Submitter 25 (Christina van Zanten)** considered that it was acceptable to retain the front of buildings as original but considered that the requirement to gain resource consent for works to the rear of buildings was unnecessary. She considered that rear changes were generally out of view, are not in keeping with their original (heritage) design and the resource consent may cost more than the alteration/repair.

#### *Submissions in opposition*

**Submitters 6 (Peter Frater), 10 (Peter James Cox), 13 (Michael Brett Mainey), 22 (Dominic van Putter), 23 (John Owen Kelman), 24 (John Joseph Dunphy), 28 (Laura Newcombe), 29 (Naran and Premi Bhana), 30 (Urmila Bhana), 33 (Howard Anthony Eastment) and 38 (Brian Main)** all opposed the proposed heritage area.

All of these submissions were opposed by **further submitter FS6 (New Zealand Historic Places Trust)**.

Specifically submission points are as follows:

**Submitter 6 (Peter Frater)** considers that the eastern side of Adelaide Road and Riddiford Street is required for road widening and Council should consider moving the buildings eastward. Architecturally the buildings have been greatly modified.

**Submitter 10 (Peter James Cox)** opposes the proposed heritage area over the properties located at 161, 163, 169 and 171 Adelaide Road and requests that these are removed from the proposed area. The buildings are in no way part of the John Street shopping area and have been altered over the years.

He has submitted that Council Officers agreed to exclude the rear lean-tos from the heritage area, with a line to be drawn to the rear of 163, 169 and 171 leaving the remainder of the land available (over 3 sections) to be redeveloped. The map now shows the whole of this land included in the area.

**Submitter 13 (Michael Brett Mainey)** owns 187 Adelaide Road which was purchased in 2007 with the express intention of redeveloping the site with a new building up to 4 stories high in accordance with the (operative suburban centres) zoning. The building does not have historic value. It is a simple box structure with various add-ons which lack interest and is not worth retaining. The submitter requests that the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area does not proceed.

**Submitter 22 (Dominic van Putter)** considers that the wider area has already been subject to upgrades (Hospital, supermarket, Hirequip and McDonalds) and therefore the John Street Intersection should follow in these footsteps.

**Submitter 23 (John Owen Kelman)** states that it is not the Council’s role introduce a plan change that will effectively prevent any redevelopment of land. If people think their buildings should be preserved, it should be up to them to buy and preserve them. The submitter sees little merit in retaining such dilapidated rotting structures and requests that the plan change is stopped.

**Submitter 24 (John Joseph Dunphy)** opposes the inclusion of 16 Riddiford Street and 205 Adelaide Road in the proposed heritage area. The purchase of the building was made unencumbered by any restriction and to force the proposal is untenable and would disadvantage the owners of the buildings. He requests that these buildings are removed from the proposed area.

**Submitter 28 (Laura Newcombe)** opposes the proposed area as she considers that the heritage signage rules are too restrictive. This is unfair compared to the large amount of signage granted resource consent on the nearby supermarket and the other signage that has “existing use rights”. Council should remove this signage. It is grossly unfair that the submitter is restricted but yet the supermarket development gets everything.

The submitter is opposed to Council considering that The Rice Bowl would have any heritage value.

**Submitters 29 (Naran and Premi Bhana) and 30 (Urmila Bhana) are** opposed to the creation of a heritage area at Riddiford Street/John Street, specifically the inclusion of 7 Riddiford Street.

The buildings in the area do not meet the consistency criteria set by Council as all buildings are of different eras and building materials. The buildings have changed markedly, with large scale rear additions and changes to interiors. The submitter particularly opposes the inclusion of rear additions on the eastern side of Riddiford Street, as they are not visible from the street, nor accessible to the public.

The entire building behind 7 Riddiford Street’s façade, including and below the veranda, is new and of block wall construction as per the resource consent granted in 2005. The back of the building comprises new monolithic clad apartments which are not visible from the street. The submitters request that 7 Riddiford Street is excluded from the proposed area. Alternatively, they suggest that only the front top portion of the façade, two feet above the veranda be recognised.

In addition, they consider that only the old John Street doctor’s villa is of any cultural and heritage significance and that it should solely be made a heritage building.

**Submitter 33 (Howard Anthony Eastment)** owns 19, 21 and 23 Riddiford Street and currently has building works pending and is experiencing difficulty in tenanting the building and securing finance (because of a lack of tenants).

The submitter would like to build quality townhouses above and behind the shops which would mean some demolition work of the rear fish factory lean-to.

He requests that 19, 21 and 23 Riddiford Street are excluded from the proposed area.

**Submitter 38 (Brian Main)** owns 1-3 and 5 Riddiford Street and has a very long association with the area. He considers that the heritage assessment report is full of glaring errors. Many of the architectural features described in the heritage assessment are not original and are from building recyclers.

Some of the facades do create an attractive streetscape, but signage in the area detracts from this. The submitter lists many rear modern additions that he considers are not heritage.

In addition, he believes that 17, 16, 18 & 20 and 19-23 Riddiford Street are single story and do not fit into the area. The heritage area would deny owners the ability to build above and create opportunities for infill housing.

The submitter request that Council define what elements of the streetscape and character of the area should be retained as having heritage value. Building owners should freely be able to adapt and modify their buildings, unless identified as being of heritage value.

#### Other submissions

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and that 17-21 Riddiford Street be recognised as non-heritage in the John Street Intersection (Newtown) Shopping Centre Heritage Area.

#### Discussion

Many of the submitters raised common concern about heritage vs. character, requirements under the earthquake-prone building policy, public good vs. private cost to building owners, impact on development potential, the uncertainties of the resource consent process, building owner compensation, heritage incentive fund and insurance cover. These issues are discussed in section 6.1 of this report and therefore only submission specific points and requests are addressed in this section.

Many of the submissions discussed below do not agree with the heritage conclusions made in the heritage assessment report. Officers are satisfied that a proper and thorough assessment of the proposed John Street area has been undertaken. In response to submissions received, the heritage consultants have revisited the area, and in some cases, amendments are recommended. Nevertheless, the area has a significant concentration of heritage buildings, particularly from the Edwardian era and is notable for the continuity, consistency and harmony of its collection of buildings on this key city intersection.

With reference to the requests that individual buildings are excluded from the proposed heritage area, these are discussed in more detail below. However, as a general response, the strength of heritage areas is that they allow the collective character and heritage values of an area to be considered. An individual heritage building can be restored and managed as carefully as possible and still have its heritage values diminished by an insensitive development on an adjacent site. Heritage areas are considered to be a very useful mechanism for ensuring that areas with a high concentration of heritage buildings are appropriately managed (i.e. *'protected from inappropriate subdivision, use and development'*). Removing individual properties, particularly properties centrally located within an area, would largely nullify the purpose of the heritage area. In addition to this, the Council's Wellington Heritage Policy 2010 has identified that in situations where there is a concentration of heritage items, defining a heritage area can be the most appropriate means by which to manage heritage values.

It is for these reasons that submissions suggesting that certain buildings do not have heritage merit can not be supported in all cases. Accordingly it is recommended that the majority of the buildings identified are retained within the heritage area, because this will ensure that heritage value of the intersection can be managed as whole.

Specifically **submitter 6 (Peter Frater)** has submitted that the eastern side of Adelaide Road and Riddiford Street is required for road widening and Council should consider moving the buildings eastward. Whilst this suggestion has been mooted in the past, as part of the Adelaide Road Framework drafting, this option was canvassed again and was not recommended as part of the future plans to upgrade the area (Adelaide Road Framework was adopted in November 2009). In this regard, it is recommended that submission 6 is rejected.



161 Adelaide Road



163 Adelaide Road



169-171 Adelaide Road

However, specifically concerning the submitter's properties at 209 and 211 Rintoul **Submitter 10 (Peter James Cox)** opposes the proposed heritage area over the properties located at 161, 163, 169 and 171 Adelaide Road and requests that these are removed from the proposed area. He states that the buildings are in no way part of the John Street shopping area and have been altered over the years.

It is agreed that the appearance of 161 Adelaide has been much altered over its 100-year-plus history. Aside from its historical connections with the area, the building still retains its original scale and form and provides the original "book-end" to the centre. Its corner location indicates the start of the heritage area when travelling from the north and for these reasons it is not recommended that it is excluded from the area.

163 Adelaide Road is considered to one of the most important buildings within the proposed heritage area. This industrial building, built in 1909, has functioned as a polish manufacturer since 1924 and still retains much of its original fabric, its scale and form, including its attractive front façade. It is not recommended that this building is removed from the proposed area, as suggested by submitter 10.

169 and 171 Adelaide Road is a pair of 1875 colonial style cottages which remain today as the earliest surviving buildings located along Adelaide Road. The more substantial alterations have occurred to number 171, but on the whole, the buildings are considered to retain their heritage integrity. It is not recommended that these buildings are excluded from the proposed area.

Submitter 10 states that Officers agreed to exclude the rear lean-tos from the heritage area, with a line to be drawn to the rear of 163, 169 and 171 Adelaide Road leaving the remainder of the land available (over 3 sections) to the redeveloped. As part of the targeted consultation undertaken on the proposed area, Officers met with Mr Cox and the possible exclusion of the rear sections was discussed. This was followed up by a site visit by the heritage consultants. Based on these discussions, the notified map does not include the rear parts of the properties and leaves approximately 393 square meters of land that could be combined and subdivided for redevelopment. Although some of the lean-tos remain included in the proposed heritage area for their historical value, Officers consider that the excluded parts of the properties provide satisfactory development opportunities and therefore it is not recommended that further changes are made to the boundary of proposed heritage area to exclude the lean-tos.

As a side note, **submitter 36 (Martin Read)** has a family connection with 169, 171 and 175 Adelaide Road, in that properties were built by his ancestor, Micaiah Read, Governor of the Wellington (Terrace) Gaol. Submitter 36 supports DPC75 in its



entirety and is especially interested in the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

**Submitter 13 (Michael Brett Mainey)** owns 187 Adelaide Road which was purchased in 2007 with the expressed intention of redeveloping the site. The submitter has not specifically requested that his property is removed from the proposed area, but has requested that proposed John Street Intersection (Newtown) Shopping Centre Heritage Area does not proceed. As stated by the submitter, it is not accepted that 187 Adelaide Road has historic value and is worth retaining. The building was constructed in 1897 and relates well to the other buildings in the area wrapping around the corner just to the south. It makes a positive contribution to the collective of buildings that make up this part of the proposed area. For these reasons it is recommended that the building is retained in the proposed heritage area and that submitter 13's request for the area not to proceed is rejected.



**Submitter 22 (Dominic van Putter)** considers that the wider area has already been subject to upgrades (Hospital, supermarket, Hirequip and McDonalds) and therefore the John Street Intersection should follow in these footsteps.

**Submitter 23 (John Owen Kelman)** states that it is not the Council's role to introduce a plan change that will effectively prevent any redevelopment of land.

Officers see no reason why these buildings too can not be upgraded with their heritage value maintained and enhanced. As stressed throughout this report, the adoption of a heritage area does not mean that it remains forever unchanged. Changes and upgrades can be made to buildings via the resource consent process and in this regard it is recommended that submissions 22 and 23 are rejected.

**Submitter 24 (John Joseph Dunphy)** requests that 16 Riddiford Street and 205 Adelaide Road are removed from the proposed heritage area. Although an entirely separate building, 16 Riddiford Street reads as a single storey extension to the distinctive wedge shaped building of 2-14 Riddiford Street. In the drafting of this plan change, Officers mistakenly identified 16 Riddiford Street was part of 2-14 Riddiford Street and included the building, together with the rear property of 205 Adelaide Road in the proposed heritage area map boundaries. Following the submission 24, it was discovered that no research was carried out as part of the heritage assessment for the inclusion of these buildings. Given that these buildings were not identified in the original heritage assessment report, it is not reasonable to now add them in. In this regard, submitter 24's request that 16 Riddiford Street and 205 Adelaide Road are excluded from the proposed heritage area is accepted. The recommendations are shown on appendix map 12, Appendix 1 of this Officers Report.



16 Riddiford St (205 Adelaide Rd)

7 Riddiford Street

**Submitter 28 (Laura Newcombe)** opposes the proposed area as she considers that the heritage signage rules are too restrictive. In addition, the submitter is surprised that the Council would even consider that The Rice Bowl (17 Riddiford Street) would have any heritage value. The submitter owns part of the unit-titled 2-14 Riddiford Street which is a listed building. The heritage building signage rules fall under Plan Change 43 (Heritage Provisions) which does not form part of this plan change and therefore can not be considered as part of this process. In terms of the submitter's comments that The Rice Bowl is not heritage, Council's heritage consultants have advised that although old, the building itself does not have significant value, but it is important to the collective value nature of the area Officers are satisfied with the conclusions of the heritage consultants and in this regard do not recommend that it is excluded from the area. It is recommended that submission 28 is rejected.

**Submitters 29 (Naran and Premi Bhana) and 30 (Urmila Bhana)** are opposed to the creation of a heritage area at Riddiford Street/John Street, specifically the inclusion of 7 Riddiford Street, as this is a substantially new building located behind an old façade. The submitters request that 7 Riddiford Street is excluded from the proposed area, or, alternatively, recognise only the front top portion of the façade, above the veranda.

In response to this submission, the Council's heritage consultants have revisited 7 Riddiford Street to undertake further inspection. It is agreed that the building to the rear of the façade is substantially rebuilt, with only what appears to be part of two original side walls remaining. The heritage consultants agree that only the front upper façade is of heritage value and that rear building behind should be identified as a non-heritage building. In this regard, it is recommended that submissions 29 and 30 are rejected in part in that the building is not excluded from the proposed area, but rather that it is identified as a non-heritage building. It is recommended that only the front façade is recognised as part of the proposed area. The recommendations are shown on Map 12, Appendix 1 of this Officer's Report.

Submitters 29 and 30's comments the old John Street Doctor's is the only building of any cultural and heritage significance in the area is noted. This building was recognised as an individual heritage building as part of Plan Change 53 in 2006.

**Submitter 33 (Howard Anthony Eastment)** requests that 19, 21 and 23 Riddiford Street are excluded from the proposed area. Officers acknowledge that these building are unusual in the area in that they (together with number 17 Riddiford Street) are single storey. The site does offer development potential in that a sensitively designed additional storey could be added to the buildings. Although these 1925 buildings are simply designed, they are considered to be important to the

collective linear nature of the shopping area. They contribute to the row of shops and neatly complement the final southern book-end building of the former John St Doctors building at 27 Riddiford Street. It is for these reasons that it is recommended that submission 33 is not accepted.

Additionally, it is recommended that the request of **Submitter 35 (The Architecture Centre)** that 17-21 Riddiford Street be recognised as non-heritage is also not accepted.



17 Riddiford Street



19-21 Riddiford Street



1-3 Riddiford Street



5 Riddiford Street



9 Riddiford Street

However, specifically concerning the submitters **Submitter 38 (Brian Main)** owns 1-3 and 5 Riddiford Street and requests that Council define what elements of the streetscape and character of the area should be retained as having heritage value. He considers that building owners should freely be able to adapt and modify their buildings, unless identified as being of heritage value.

The submitter largely focuses on heritage vs. character and that owners should be able to make changes to their buildings without the need to gain resource consent. These topics have been addressed in section 6.1 of this report and this regard the submitter can not be supported in his request that council redefine the intent of the plan change.

Specifically concerning 1-3 Riddiford Street, this building was constructed in 1902 and is a good representative example of Edwardian architecture. It is situated in a key part of the proposed heritage area, anchoring the smaller building to the left (number 5 Riddiford Street) and strongly complementing the late Victorian building to the right (191 Adelaide Road).

Although number 5 Riddiford Street is a new building constructed in 1998, it is detailed and scaled appropriately to its surroundings and is considered to make a positive contribution to the area.

In response to **Submitter 25's (Christina van Zanten)** conditional support of the proposed heritage area, her points regard the exclusion of rear extensions are noted but as discussed in section 6.1 of this report, it is not within the scope of this plan change to alter the heritage provisions that are currently designed to consider the site as a whole.

The support of **submitter 7 (Newtown Residents Association (NRA))** and **further submission FS6 (New Zealand Historic Places Trust)** is noted and accepted.

In conclusion, the collective nature of these buildings that make up the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area are considered to have important historic, social, architectural and townscape value and it is recommended that they should be listed on the District Plan as a heritage area.

### Officer Recommendations

**Accept submission 7** insofar that they support the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

**Accept in part submission 25** insofar that it supports the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

**Reject submissions 6, 10, 13, 22, 23, 28, 33 and 38** insofar that they request that the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area not proceed or that their particular building not be included in the proposed area.

**Accept further submission FS6** insofar that it opposes submissions 6, 10, 13, 22, 23, 28, 33 and 38 and requests that buildings identified and the John Street Intersection (Newtown) Shopping Centre Heritage Area are accepted.

**Accept submission 24** insofar that it requests that 16 Riddiford Street and 205 Adelaide Road be removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

**Reject further submission FS6** insofar that it requests that 16 Riddiford Street and 205 Adelaide Road are included as part of the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area.

**Reject submission 35** insofar that it requests that 17-23 Riddiford Street are identified as non-heritage buildings.

**Reject in part submissions 29 and 30** insofar that they request that 7 Riddiford Street is removed from the proposed John Street Intersection (Newtown) Shopping Centre Heritage Area, but in doing so, identify the that the front façade is of heritage value and that the rear property is identified as a non-heritage building.

**Accept in part further submission FS6** insofar that it requests that 7 is retained as part of the John Street area, but in doing so, identify that the front façade is of heritage value and that the rear property is identified as a non-heritage building.

### **6.3.5 Newtown Shopping Centre Heritage Area**

In total five submissions were received on the proposed creation of a heritage area in Newtown. Of those submissions, one submission was in support and three submissions were in opposition to the proposal. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

#### Submissions in support

In general, the main points of **submitter 7 (Newtown Residents Association (NRA))** are as follows:

- Heritage is a significant underlying characteristic that contributes to the unique atmosphere of suburbs. Preserving existing building stock is a sustainable use of existing resources and is to be encouraged. Sense of place and sense of history is preserved through the conservation and adaptation of the existing building fabric.
- The NRA wants the local built environment to make sense historically and does not want the area to become a historical freeze frame. A building should be chronologically readable and “of its time”.

NRA recommends the following amendments:

- Wording to clearly confirm the initiative established in DPC 40 and 73 that new construction is not about fake reproduction of heritage
- Include 184, 211-221, 247-249 and 257 Riddiford Street in the heritage area.



- Investigate heritage listing of 259 Mansfeild Street
- Create a single storey heritage area for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible
- Establish an advisory panel of professionals, local experts and council officers to comment on and assist resource consents in Newtown Centre

#### *Submissions in opposition*

**Submitter 26 (Emanate Holdings)** considers that 150 Riddiford Street has no merit being classified as a heritage building. The submitter considers that the building is simply a shed made of corrugated iron.

**Submitter 27 (Trustees Virginia Trust)** considers that 138-140 Riddiford Street has no merit in being classified as a heritage building. The building is old with no particularly significant or outstanding architectural features or character.

**Submitter 31 (Peter and Theodora Varuhas)** considers that the heritage area will impose additional unnecessary costs and regulations; prevent the submitter from being able to deal with their properties as required; restrict private property rights; increase maintenance and compliance costs and reduce the value of the properties.

These submissions are opposed by **further submitter FS6 (New Zealand Historic Places Trust)**.

#### *Other submissions*

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and that 10 and 14 Rintoul Street and 156-162 and 191-191a Riddiford Street are identified as non-heritage and that 139 Riddiford Street is included in the proposed area.

#### *Discussion*

The conclusions of the heritage assessment are strongly supported by **submitter 7 (Newtown Residents Association [NRA])**. However, they have clear views that new buildings and extensions should be chronologically readable and “of their time”. These points are also raised by submitter **Submitter 35 (The Architecture Centre)**. As discussed throughout this report, it is not considered that the proposed heritage area will mean that buildings are set in time and that owners won’t be able to modify their building in the future. The heritage area means that building owners need to work with Council so that a balance is struck in allowing adaptations to properties that are sensitive and appropriate to the heritage values. This does not mean however, that new additions must be a pastiche of original design and this is clearly outlined in the Centres Design Guidance that will be used as part of the assessment of new development. Modern building design and materials can be quite acceptable and Council is encouraging of this approach. In terms of the specific requests by submitter 7, the following response is given:

#### *Include 184 Riddiford Street*

These buildings are located on the cusp of the southern end of the proposed heritage area, however given their location next to a car park; it was considered by the heritage consultants that this gap in the streetscape provided the natural end point to the proposed area. In this regard, the submitters request is not supported.

#### *Include 247-249 Riddiford Street*

These buildings are located some distance from the main part of the proposed Newtown Shopping Centre Heritage Area which means there are a number of other buildings in between that are not considered to be worthy of heritage area recognition. This gap in streetscape would undermine the consistent characteristic of the Newtown heritage area and in this regard, the submitters request is not supported.



184 Riddiford Street



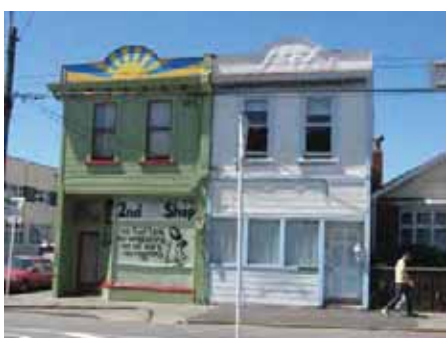
247-249 Riddiford Street



257 Riddiford Street



211-221 Riddiford Street



259 Mansfield Street

*Include 257 Riddiford Street*

This is an interesting building and stands proudly on the Riddiford Street and Mansfield Street corner. For the same reasons as above, the building is located some distance from the main part of the Newtown heritage area and therefore the submitters request is not supported.

*Create a single storey heritage area for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible.*

This particular area was considered as a small heritage area as part of the initial survey. Some of the buildings have streetscape qualities and reasonably uniform verandahs. On balance though, they do not possess the overall qualities that the other heritage areas present. For this reason the area did not proceed and in this regard it is not recommended that the submitter's request is supported.

*Investigate heritage listing of 259 Mansfield Street*

Given that this plan change concerns heritage areas only, this request can not be investigated that this time. The request has however been passed to the Heritage team for future investigation.

**Submitter 26 (Emanate Holdings)** requests that 150 Riddiford Street is removed from the proposed heritage area. This building is an old motor garage, and although simple in design, does add interesting element and historical link in the Newtown streetscape. It is not agreed that this building should be removed from the area and it is recommended that submission 26 is rejected.

**Submitter 27 (Trustees Virginia Trust)** requests that 138-140 Riddiford Street is removed from the proposed area. As described by **further submitter FS6 (New Zealand Historic Places Trust)**, this building is tall and is one of the most striking in the proposed Newtown heritage area. It is not agreed that this building should be removed from the area and it is recommended that submission 27 is rejected.



138-140 Riddiford Street



150 Riddiford Street

**Submitter 31 (Peter and Theodora Varuhas)** request that DPC75 is rejected. The submission points regarding private property rights etc are largely addressed in section 6.1 of this Officer’s Report. It is recommended that the proposed heritage areas put forward as part of DPC75 are retained as they cover a key suburban retail strips that contribute strongly to the heritage values and unique sense of place of Wellington City. Substantial research was undertaken into the heritage values of the areas and the boundaries have been carefully considered to include properties that share core values and characteristics. It is considered that the proposed heritage areas are appropriate and necessary to allow the Council to meet its obligations for managing historic heritage under Part II of the Resource Management Act. In this regard it is recommended that submission 31 is rejected.

**Submitter 35 (The Architecture Centre)** requests that a number of buildings are identified as non-heritage buildings. The Officer responses are as follows:

*Identify 10 Rintoul Street as a non-heritage building*

This building is closely related to number 8 and is a fusion of two conjoined but different two-storey Victorian buildings and a modern building. Number 10 retains traces of its original c1900 shop front, with the façade containing two pairs of double-hung windows in detailed surrounds. It is considered that the building contributes to the area and in this regard the submitters request is not supported.



10 Rintoul Street



14 Rintoul Street



156-162 Riddiford Street

*Identify 14 Rintoul Street as a non-heritage building*

This building did not form part of the heritage report assessment and should not be included in the proposed area. In this regard, the submitters request is partly addressed in that it is recommended that it is removed from the proposed plan change.



*Identify 156-162 Riddiford Street as a non-heritage building*

This building is a modern, inelegant, low rise complex which discordantly breaks the street wall of buildings in the area. It was notified as a non-heritage building and in this regard the request of submitter 35 is accepted.



191-191a Riddiford Street



139 Riddiford Street



Public toilets, corner Riddiford & Constable Streets

*Identify 191-191a Riddiford Street as a non-heritage building*

This building was notified as a non-heritage building and in this regard the request of submitter 35 is accepted

*Include the interior of Castles Chemist at 139 Riddiford Street in the proposed area.*

Given that this plan change concerns heritage areas only, this request can not be investigated that this time. The request has however been passed to the Heritage team for future investigation.

*Identify the public toilets on the corner of Constable and Riddiford Streets as a non-heritage building*

It is recommended that this request is accepted.

For recommended amendments discussed above, please refer to appendix map 13 shown in Appendix 1 of this Officers Report.

*Officer recommendations*

**Accept submission 7** insofar that they support the proposed Newtown Shopping Centre Heritage Area.

**Reject submission 7** insofar that they request the inclusion of 184, 211-221, 247-249 and 257 Riddiford Street in the heritage area.

**Reject submission 7** insofar that they request that a single storey heritage area is created for 211-221 Riddiford Street, with rules confirming set back upper level additions are permissible.

**Reject submission 26** insofar that it requests that 150 Riddiford Street is removed from in the proposed Newtown Shopping Centre Heritage Area.

**Reject submission 27** insofar that it requests that 138-140 Riddiford Street is removed from in the proposed Newtown Shopping Centre Heritage Area.

**Accept further submission FS6** insofar that they oppose the exclusion of 138-140 and 150 Riddiford Street from the proposed Newtown Shopping Centre Heritage Area.

**Reject submission 31** insofar that it does not support the proposed Newtown Shopping Centre Heritage Area.

**Reject submission 35** insofar that they request that 10 Rintoul Street is identified as a non-heritage building.

**Reject in part submission 35** insofar that they request that 14 Rintoul Street is identified as a non-heritage building, but in doing so; remove this building altogether from the heritage area.

**Accept submission 35** insofar that they request that 156-162 Riddiford Street is identified as a non-heritage building.

**Accept submission 35** insofar that they request that 191 Riddiford Street is identified as a non-heritage building.

**Accept submission 35** insofar that they request that the public toilets on the corner of Constable and Riddiford Streets are identified as a non-heritage building.

**Reject submission 35** insofar that they request that the interior of Castles Chemist at 139 Riddiford Street is listed in the District Plan.

### **6.3.6 Thorndon Shopping Centre Heritage Area**

In total five submissions and one further submission was received on the proposed creation of a heritage area in the Thorndon shopping centre. Of those submissions, one submission was in support and three were in opposition to the proposal. One submitter was neither supportive nor opposed to the proposed area, but did seek that the plan change be revisited and also suggested amendments to the buildings identified in the area.

#### *Submissions in support*

Specifically **submitter 32 (Murray Pillar)** supported the proposed heritage area and noted that commercial heritage has to exist to facilitate the community's sense of place. He noted that this does come at a cost to building owners, therefore encouragement is required to maintain this commercial activity avoiding the community becoming just any group of buildings on a main traffic route. He was of the view that conversion of retail buildings to residential does not contribute to the life and vibrancy of the street.

The submitter considered that Thorndon shopping area needs to sit within a protocol that fully supports the heritage of the area. Consistently designed elements could include street and traffic signs, hard landscaping, street light, rubbish bins, seating etc.

#### *Submissions in opposition*

In particular, **Submitter 1 (Gin Young)** opposes the inclusion of 318 Tinakori Road and requests that it removed from the proposed area. The submitter's building was built in 2007 and is not a heritage building.

The submitter wants more positive changes to make Tinakori Village more appealing and to tackle parking and traffic problems. Suggested changes include the introduction of judder bars, the removal of coupon parking and introduction of short



term or residents parking.

**Submitter 2 (Perry Lark)** opposes the inclusion of 273 Tinakori Road and requests that it removed from the proposed area. The building does not warrant heritage status. The building is a mish-mash of two buildings with limited importance.

**Submitter 8 (Mandy Joseph)** opposes the inclusion of 277-279 Tinakori Road as part of the proposed heritage area and considers that the building should be identified as “non-heritage” for the purposes of Rule 21B.2.2.

277-279 Tinakori Road is a two-storied building that was built in the 1990s. The building is constructed of new materials and contains replica character features such as a double parapet, double hung windows and a verandah.

Other submission

**Submitter 35 (The Architecture Centre)** suggests that the plan change be revisited and that 275a (i.e. 273b Nancy’s), 287, 310, 318 and 332 Tinakori Road be recognised as non-heritage and that 338-340 Tinakori Road and the brick wall between 275 and 275a Tinakori Road be included in the proposed area.

Minor amendment

Although no submission was received, a telephone call was received after notification of the plan change regarding the address reference and legal description of 356a Tinakori Road which accommodates an antique shop. As notified, the address reference and legal description is 356a Tinakori Road (Lot 1 DP 60706). The caller indicated that this should be 356 Tinakori Road (Unit 10 DP 60611). Officers confirm this is correct and it is considered that this can be dealt with as a minor editorial amendment to DPC75.

Discussion

The support of **submitter 32 (Murray Pillar)** is acknowledged and it is recommended that this submission is accepted.

The following submissions all request that modern buildings which have been identified as part of the proposed Thorndon heritage area are either excluded or identified as non-heritage buildings:

**Submitter 1 (Gin Young)** requests that 2007 building of 318 Tinakori Road is removed from the proposed area.

**Submitter 8 (Mandy Joseph)** requests that 277-279 Tinakori Road be identified as a non-heritage building.





310 Tinakori Road



332 Tinakori Road



273 Tinakori Road

**Submitter 35 (The Architecture Centre)** suggests that 275a (i.e. 273b Nancy's), 287, 310, 318 and 332 Tinakori Road be recognised as non-heritage buildings. (numbers 273b and 287 Tinakori Road are discussed in further detail below).

These points are covered in detail under section 6.1 of this Officers Report, but in general response; the assessment of the proposed heritage areas aligns with the DPC 43 heritage provisions that recognise "contributing" buildings can be identified as part of heritage areas, with the requisite to recognise the entire site boundaries on which a building is located. The DCP43 Policies 20.2.1.5, 20.2.1.6, 20.2.1.7 and 20.2.1.8 clearly state that heritage areas may include "contributing" buildings that add to the character and coherence of the area.

The proposed Thorndon Shopping Centre Heritage Area is based on robust research and expert heritage opinion. The heritage assessment reports clearly identify the construction date of all buildings in the proposed area and identifies whether specific buildings make a positive contribution to the area. In the case of Thorndon, where replicas buildings are found, it is not considered that the buildings detract from that area and therefore have been identified as making a positive contribution.

It is therefore not accepted that the buildings highlighted by the above submitters should be excluded from the

proposed Thorndon heritage area.

**Submitter 2 (Perry Lark)** opposes the inclusion of 273 Tinakori Road and requests that it removed from the proposed area. 273 Tinakori Road was known as the former Manchester House (and post office) and constructed sometime in the 1880s. The building is of considerable age and although altered, is considered to retain strong historical importance and heritage integrity. In this regard, it is recommended that the submitter 2's request rejected.

**Submitter 35 (The Architecture Centre)** suggests that 275a (i.e. 273b Nancy's) be recognised as non-heritage building. 273b Tinakori Road (Nancy's) was built in 1955 and was renovated in the 1980's. It is agreed that this building is rather incongruous in the proposed area and should be identified as a non-heritage building. In this regard, it is recommended that submitter 35's request is accepted.

**Submitter 35 (The Architecture Centre)** suggests that 287 Tinakori Road be recognised as a non-heritage building. This building was constructed in 1961 and has been clad in timber, presumably to fit better into its surroundings. The submitter has correctly identified that this building should be recognised as a non-heritage building and it is recommended that the submitters request is accepted.

**Submitter 35 (The Architecture Centre)** suggests that 338-340 Tinakori Road be included in the proposed heritage area as ‘contributing buildings’. These buildings, known as “Windsor Court” were built in the 1960’s and consist of plain rectangular prisms with cantilevered balconies facing Lewisville Terrace. The buildings are considered to be a negative feature on the wider streetscape and for this reason it is not recommended that the submitters 35’s request is accepted.



For recommended amendments discussed above, please refer to appendix map 14 shown in Appendix 1 of this Officers Report.

*Officer recommendations*

**Accept submission 32 and further submission FS6** insofar that they support the proposed Thorndon Shopping Centre Heritage Area.

**Reject submission 1** insofar that it requests that 318 Tinakori Road be removed from the proposed Thorndon Shopping Centre Heritage Area.

**Reject in part submission 2** insofar that requests that 273 Tinakori Road be removed from the proposed Thorndon Shopping Centre Heritage Area.

**Accept in part submission 35** insofar that requests that 273b Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

**Reject submission 8** insofar that it requests that 318 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

**Accept submission 35** insofar that they request that 278 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

**Accept submission 35** insofar that they request that the brick wall between 275 and 275a Tinakori Road be included as part of the proposed Thorndon Shopping Centre Heritage Area.

**Reject submission 35** insofar that they request that 332 Tinakori Road be identified as a non-heritage building in the proposed Thorndon Shopping Centre Heritage Area.

**Reject submission 35** insofar that they request that 338-340 Tinakori Road be identified as a contributing building in the proposed Thorndon Shopping Centre Heritage Area.

## 7 SUMMARY

With any plan change, the goal is to achieve public policy objectives while recognising the rights of private owners and this requires the balancing of competing aims and interests.

In a day-to-day sense, the implications of the proposed heritage areas would mean very little change for owners of individual buildings. General maintenance and repair of a building and interior alterations continue to be permitted as of right. When consent is needed, for example for an extension, the Council provides free conservation advice and technical assistance to ensure development is consistent with the heritage value of the building. In some cases, if certain criteria are met, building owners are also entitled to financial assistance under the Heritage Incentive Fund. In terms of funding and financial incentives for buildings owners, Officers will continue to advocate for new initiatives to assist owners of heritage buildings.

In terms of the added responsibility and restriction put in place when a building becomes a heritage item, considerable care has been taken to achieve an appropriate balance in the package of heritage policies and rules in place. It is believed that the rules act sensitively to facilitate the reasonable use of land affected by heritage areas. The rules contain no prohibited or non-complying activities and the opportunity exists through the resource consent processes to seek consent for any work. Nothing is foreclosed.

The buildings proposed as part of the heritage areas are very important for the contribution that they make to Wellington's historic make up. They represent physical and cultural legacies that are a significant asset to Wellington City and provide valuable links to the past for current and future generations. The recommendation to put these buildings forward is well considered and based on the expert advice of heritage professionals.

It is considered that the proposed listings are reasonable and will not render the properties incapable of reasonable use. They are consistent with sound resource management practice and in keeping with Part II of the Resource Management Act.

## 8 CONCLUSION

This report has addressed the submissions to proposed District Plan Change 75 either generally, in respect of particular issues, or specifically.

Overall it is recommended that the plan change be adopted but some amendments have been put forward to address omissions or otherwise improve the content or operation of the provisions in response to submissions.

**Contact Officer: Sarah Edwards, Senior Policy Advisor, Policy and Planning**