

THE HUTT CITY COUNCIL

Democratic Services

DISTRICT PLAN COMMITTEE

**HEARINGS FOR PROPOSED DISTRICT PLAN CHANGE 4 -
DEMOLITION AND RELOCATION OF HERITAGE
BUILDINGS AND STRUCTURES**

Minutes of a meeting of the District Plan Committee held in The Hutt City Council Chambers, Administration Building, 30 Laings Road, Lower Hutt on Wednesday 5 October 2005 and deliberations held on 5 October 2005.

PRESENT: Cr RW Styles (Chair)
Cr MJ Cousins
Cr D Hislop

IN ATTENDANCE: E Albuquerque, Divisional Manager Environmental Policy & Approvals
V Rodgers, Environmental Policy Analyst
JE Stevens, Senior Committee Advisor

In accordance with a delegation by Council, pursuant to the provisions of section 34 of the Resource Management Act 1991, the District Plan Committee had power to act in determination of Changes to the Operative District Plan for recommendation to Council following the hearing of submissions.

DISTRICT PLAN - CITY OF LOWER HUTT

**HEARINGS FOR PROPOSED DISTRICT PLAN CHANGE 4 -
DEMOLITION AND RELOCATION OF HERITAGE
BUILDINGS AND STRUCTURES**

1. APPEARANCES

Submitter:	Represented by:
Patrick Street Advisory Committee, NZ Institute of Architects Wellington Branch Committee, and Ian Bowman & Erin Beatson	Ian Bowman
Warwick Johnston	Warwick Johnston
St James Anglican Church	Richard Perry
Pamela Hanna	Pamela Hanna
Tom Bennion & Megan Collins	Tom Bennion
Vera Ellen	Vera Ellen
Hutt City Council Heritage Advisory Group	Roy Hewson
Petone Community Board	Richard Cole

In addition correspondence from the New Zealand Historic Places Trust and Greater Wellington Regional Council was tabled at the hearing.

2. THE HEARING

The parties who appeared at the hearing presented additional written and/or oral submissions and/or written statements of evidence.

This hearing addressed matters raised in submissions and further submissions lodged on Proposed District Plan Change 4 which addressed the demolition and relocation of heritage buildings and structures.

Volumes containing copies of all submissions and further submissions were available to all parties. A background report and specific comments and recommendations individually addressing all submissions and further submissions were pre-circulated to all parties to the hearing.

3. DELIBERATIONS OF THE COMMITTEE

Statutory Regime and Legal Framework

Proposed District Plan Change 4 - Demolition and Relocation of Heritage Buildings and Structures came about in response to concern expressed by some members of the public about the adequacy and appropriateness of the provisions in the District Plan, which address only the alteration, repair or modification of external facades of listed heritage buildings.

A review of the provisions in the District Plan also arose from the Resource Management Amendment Act 2003 (No. 2) elevating the protection of “historic heritage” as a matter of national importance under Section 6(f), as follows:

“S6 Matters of National Importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

(a)...

...

(f) The protection of historic heritage from inappropriate subdivision, use and development.”

While a Council is under an obligation within the meaning of section 6(f) to protect heritage buildings and structures in the City, section 6 is still subject to section 5 and it is still necessary for a Council under section 32 to evaluate the costs, benefits and alternatives, to show that the rule relating to demolition is the most appropriate in achieving the purpose of the Act, and that it is the most effective and efficient.

Section 5 is fundamental to any assessment. The approach in section 5 is to weigh the matters in section 5(2) in order to reach a broad judgement as to whether a policy or rule would promote the sustainable management of natural and physical resources. The values in section 5 have been variously referred to as “indicators”, “guidelines”, “directions” or “touchstones” for promoting the goal of sustainable management. It is considered that the “enabling” and “management” functions of section 5(2) are of equal importance. The circumstances of each case determine the level of management that is required to promote sustainable management of natural and physical resources.

The following section 7 matters are also considered relevant:

- (a) The efficient use and development of natural and physical resources [section 7(b)];
- (b) The maintenance and enhancement of amenity values [section 7(c)]; and
- (c) Maintenance and enhancement of the quality of the environment [section 7(f)].

Even with the proposed change to the District Plan to make the demolition and relocation of listed heritage buildings a Discretionary Activity, private property owners of heritage buildings can still apply to Council for consent to demolish buildings and, if refused consent,

can appeal to the Environment Court. Hence there is no guarantee that heritage buildings will necessarily be retained and protected.

Sections 75 and 76 are also considered important. Section 75 requires the District Plan to state (among other things):

- (a) the significant resource management issues of the district; and
- (b) the objectives sought to be achieved by the plan; and
- (c) the policies in regard to the issues and objectives, and an explanation of those policies; and
- (d) the methods being or to be used to implement the policies, including any rules; and
- (e) the principal reasons for adopting the objectives, policies, and methods of implementation set out in the plan.

Section 76 enables the Council to include rules in the District Plan, for the purpose of carrying out its functions under the Act, and to achieve the objectives and policies of the Plan. In making a rule the Council: *"...shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect;..."*

The following passage from the Environment Court decision *Wakatipu Environmental Society v Queenstown Lakes District Council* (2000, NZRMA 59] is applicable to a District Plan in general:

"A district plan must provide for the management of the use, development and protection of land and associated natural and physical resources. It must identify and then state (inter alia) the significant resource management issues, objectives, policies and proposed implementation methods for the district. In providing for those matters the territorial authority (and on any reference to the Environment Court) shall prepare its district plan in accordance with:

- *its functions under section 31;*
- *the provisions of Part II;*
- *section 32;*
- *any regulations;*

and must have regard to various statutory instruments."

The following passage from the Planning Tribunal's decision *Nugent v Auckland City Council* (1996, NZRMA 481) summarises the requirements derived from section 32(1):

"...a rule in a proposed district plan has to be necessary in achieving the purpose of the Act, being the sustainable management of natural and physical resources (as those terms are defined); it has to assist the territorial authority to carry out its functions of control of actual or potential effects of the use, development or protection of land in order to achieve the purpose of the Act; it has to be the most appropriate means of exercising that function; and it has to have a purpose of achieving the objectives and policies of the plan."

Proposed Plan Change

The proposed District Plan Change introduces to Chapter 14F – Heritage Buildings and Structures, provisions and a rule that the demolition or relocation of listed heritage buildings and structures be a Discretionary Activity.

The scope of the proposed plan change is limited to the objective, policy and rule associated to the demolition or relocation of heritage buildings or structures listed in the District Plan. The proposed plan change does not have scope to include new heritage buildings and structures. This would require a separate plan change. Similarly, the proposed plan change cannot deviate from the provisions of the Resource Management Act, for example on notification procedures.

As there have previously been no rules relating to the demolition or relocation of listed heritage buildings and structures, some buildings may have been relocated or demolished. As a result, it is considered important that an inventory of heritage buildings and structures be completed for the City. The Committee notes that all parts of the District Plan are reviewed on a rolling basis, and that the current work programme includes the following:

- Proposed Plan Changes 1-6
- Proposed Plan Change 7 - Subdivision Allotment Design Standard Exemptions
- Review of the Residential Provisions in the District Plan (including activity area boundaries, subdivision and earthworks provisions)
- Review of the Urban Design Provisions in the District Plan
- District Plan Monitoring Programme
- Update of Archaeological Records
- Designation Amendments in relation to the SH2 Dowse to Petone Upgrade
- Development of an Education Programme in relation to Slope Stability Issues
- Review of the Special Business Activity Area
- Floodplain Management (in conjunction with Greater Wellington Regional Council)

The Committee notes that the heritage inventory will be added to the Council's work programme, and that the outcome of this inventory could result in a separate plan change to update the District Plan heritage lists.

The proposed plan change makes the demolition and relocation of listed heritage buildings and structures a discretionary activity. As a discretionary activity, the demolition or relocation of a listed heritage

building or structure will be publicly notified unless the Council considers that the adverse effects on the environment will be minor. There is an assumption in the Resource Management Act that all applications will be notified unless the application is for a controlled activity or the Council is satisfied that the adverse effects of the activity on the environment are minor (section 93). If adverse effects on the environment are minor, the Council has the option of not publicly notifying the application and processing it on a non-notified basis, but must serve notice on all persons who may be adversely affected by the demolition or relocation of the heritage building.

In practice it is unlikely that such an approach will be adopted for demolition of heritage buildings unless the demolition related to only a small and insignificant part of the building or structure. For discretionary activities, all matters can be taken into account, objectives and policies need to be evaluated and assessed, and the consent can be granted or declined. Consequently, discretionary status was considered to be the most appropriate activity status for the demolition and relocation of heritage buildings and structures.

Conclusion

Overall after evaluating all matters it is considered that the Proposed Plan Change incorporating the amendments recommended by the Committee offers the most appropriate way of achieving the purpose and principles of the Resource Management Act 1991.

5. DECISIONS AND REASONS

Resolved:

“That the Committee notes that, in making its decisions on submissions and further submissions lodged on Proposed District Plan Change 4 – Demolition and Relocation of Heritage Buildings and Structures, Council is restricted to the relief sought in those submissions and further submissions.

That in exercise of the powers delegated to it by Council pursuant to the provisions of section 34 of the Resource Management Act 1991 the District Plan Committee hereby resolves, pursuant to Schedule 1 of the Resource Management Act 1991, to make the following decisions on submissions and further submissions lodged, for recommendation to Council.”

DPC04/01 D1 - Geoffrey T Martel

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Geoffrey T Martel, seeking to confirm the Proposed Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/02 D1 - Sacred Heart Parish

Further Submitter in Support: Petone Planning Action Group
Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Sacred Heart Parish, seeking that the option of not publicly notifying an application be used sparingly if at all, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by Petone Planning Action Group be PARTIALLY ACCEPTED.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, it is unlikely that a resource consent application to demolish or relocate a heritage building or structure will be processed non-notified. The demolition or relocation of a heritage building or structure is likely to have effects on the environment that are more than minor and thus the resource consent application will be publicly notified. However, a resource consent

application for a small and insignificant part of a building may not be notified.

DPC04/03 D1 - The Historical Society of Eastbourne Inc

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by The Historical Society of Eastbourne Inc, seeking to confirm the Proposed Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports Proposed Plan Change 4.

DPC04/04 D1 - Patrick Street Advisory Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking relocation as a restricted discretionary activity, with discretion being restricted to the criteria developed by the NZHPT and ICOMOS, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

Relocation is proposed to be a discretionary activity. This means that there will be full discretion to the Council of whether to grant or refuse the consent. In coming to its decision, Council will be required to consider all aspects of the proposed relocation. This could include the criteria developed by the NZHPT and ICOMOS. Conversely and as outlined in the Background Report, for restricted discretionary activities Council is only able to consider the application against the criteria specifically listed in the District Plan.

DPC04/04 D2 – Patrick Street Advisory Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking the demolition of NZHPT Registered Category II and other Hutt City Council District Plan listed heritage structures as a discretionary activity, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

All NZHPT Registered Category II buildings and structures within Hutt City are listed in the District Plan, the demolition of which is already proposed to be a discretionary activity.

DPC04/04 D3 – Patrick Street Advisory Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking demolition of NZHPT Registered Category I Heritage structures as a prohibited activity, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, a prohibited activity means that Council must never grant consent for demolition or relocation of listed heritage buildings and structures. Demolition in some circumstances may be appropriate for achieving section 5 of the Resource Management Act – sustainable management of natural and physical resources. Such circumstances may include fire damage leaving the condition of the building as beyond repair, both physically and

economically; or difficulty of earthquake strengthening under the Building Act 2004. It should also be noted that there are no prohibited activities listed in the District Plan.

DPC04/04 D4 - Patrick Street Advisory Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking that all consents for demolition or relocation be publicly notified, be **PARTIALLY ACCEPTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

As outlined in the Background Report, there is an assumption under the Resource Management Act that applications will be notified unless it is considered that the adverse effects on the environment will be minor. An example of minor effects on the environment where the application is processed non-notified may include the demolition of a small and insignificant part of the listed heritage building or structure.

DPC04/04 D5 - Patrick Street Advisory Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking that the heritage values of the place being considered for demolition or relocation be thoroughly investigated using the NZHPT registration criteria or the World Heritage Convention criteria, be **REJECTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

The NZHPT registration criteria or the World Heritage Convention criteria for heritage values can be used as part of the section 104 requirements of the Resource Management Act in considering a resource consent application. However, it is not considered necessary for this request to be specifically stipulated in the District Plan as a matter that Council shall have discretion to.

DPC04/04 D6 – Patrick Street Advisory Committee
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking that a conservation plan prepared by a qualified and experienced person recommended by the NZHPT be undertaken where relocation is being considered, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This is more appropriate as a condition to the granting of consent to relocate the building or structure as every application is judged on its own merits.

DPC04/04 D7 – Patrick Street Advisory Committee
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Patrick Street Advisory Committee, seeking that a thorough heritage inventory be prepared for all areas covered by the District Plan, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The importance of a heritage inventory is acknowledged. However, it is considered that an inventory is outside the scope of this plan change. The results of the inventory could involve adding or removing buildings and structures from the current lists in the District Plan, which would require a separate plan change.

DPC04/05 D1 - New Zealand Institute of Architects Wellington Branch Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by the New Zealand Institute of Architects Wellington Branch Committee, seeking relocation as a restricted discretionary activity with discretion being restricted to the criteria developed by the NZHPT and ICOMOS, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

Relocation is proposed to be a discretionary activity. This means that there will be full discretion to the Council of whether to grant or refuse the consent. In coming to its decision, Council will be required to consider all aspects of the proposed relocation. This could include the criteria developed by the NZHPT and ICOMOS. Conversely and as outlined in the Background Report, for restricted discretionary activities Council is only able to consider the application against the criteria specifically listed in the District Plan.

DPC04/05 D2 - New Zealand Institute of Architects Wellington Branch Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking the demolition of NZHPT Registered Category II and other Hutt City Council District Plan listed heritage structures as a discretionary activity, be ACCEPTED to the

extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

All NZHPT Registered Category II buildings and structures within Hutt City are listed in the District Plan, the demolition of which is already proposed to be a discretionary activity.

DPC04/05 D3 - New Zealand Institute of Architects Wellington Branch Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking demolition of NZHPT Registered Category I Heritage structures as a prohibited activity, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, a prohibited activity means that Council must never grant consent for demolition or relocation of listed heritage buildings and structures. Demolition in some circumstances may be appropriate for achieving section 5 of the Resource Management Act - sustainable management of natural and physical resources. Such circumstances may include fire damage leaving the condition of the building as beyond repair, both physically and economically; or difficulty of earthquake strengthening under the Building Act 2004. It should also be noted that there are no prohibited activities listed in the District Plan.

DPC04/05 D4 - New Zealand Institute of Architects Wellington Branch Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking that all consents for demolition or relocation be publicly notified, be **PARTIALLY ACCEPTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

As outlined in the Background Report, there is an assumption under the Resource Management Act that applications will be notified unless it is considered that the adverse effects on the environment will be minor. An example of minor effects on the environment where the application is processed non-notified may include the demolition of a small and insignificant part of the listed heritage building or structure.

DPC04/05 D5 - New Zealand Institute of Architects Wellington Branch Committee

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking that the heritage values of the place being considered for demolition or relocation be thoroughly investigated using the NZHPT registration criteria or the World Heritage Convention criteria, be **REJECTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

The NZHPT registration criteria or the World Heritage Convention criteria for heritage values can be used as part of the section 104 requirements of the Resource Management Act in considering a resource consent application. However, it is not considered necessary for this request to be specifically stipulated in the District Plan as a matter that Council shall have discretion to.

DPC04/05 D6 - New Zealand Institute of Architects Wellington Branch Committee
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking that a conservation plan prepared by a qualified and experienced person recommended by the NZHPT be undertaken where relocation is being considered, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This is more appropriate as a condition to the granting of consent to relocate the building or structure as every application is judged on its own merits.

DPC04/05 D7 - New Zealand Institute of Architects Wellington Branch Committee
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by New Zealand Institute of Architects Wellington Branch Committee, seeking that a thorough heritage inventory be prepared for all areas covered by the District Plan, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The importance of a heritage inventory is acknowledged. However, it is considered that an inventory is outside the scope of this plan change. The results of the inventory could involve adding or removing

buildings and structures from the current lists in the District Plan, which would require a separate plan change.

DPC04/06 D1 – Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking relocation as a restricted discretionary activity with discretion being restricted to the criteria developed by the NZHPT and ICOMOS, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

Relocation is proposed to be a discretionary activity. This means that there will be full discretion to the Council of whether to grant or refuse the consent. In coming to its decision, Council will be required to consider all aspects of the proposed relocation. This could include the criteria developed by the NZHPT and ICOMOS. Conversely and as outlined in the Background Report, for restricted discretionary activities Council is only able to consider the application against the criteria specifically listed in the District Plan.

DPC04/06 D2 – Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking the demolition of NZHPT Registered Category II and other Hutt City Council District Plan listed heritage structures as a discretionary activity, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

All NZHPT Registered Category II buildings and structures within Hutt City are listed in the District Plan, the demolition of which is already proposed to be a discretionary activity.

DPC04/06 D3 - Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking demolition of NZHPT Registered Category I Heritage structures as a prohibited activity, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, a prohibited activity means that Council must never grant consent for demolition or relocation of listed heritage buildings and structures. Demolition in some circumstances may be appropriate for achieving section 5 of the Resource Management Act - sustainable management of natural and physical resources. Such circumstances may include fire damage leaving the condition of the building as beyond repair, both physically and economically; or difficulty of earthquake strengthening under the Building Act 2004. It should also be noted that there are no prohibited activities listed in the District Plan.

DPC04/06 D4 - Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking that all consents for demolition or relocation be publicly notified, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, there is an assumption under the Resource Management Act that applications will be notified unless it is considered that the adverse effects on the environment will be minor. An example of minor effects on the environment where the application is processed non-notified may include the demolition of a small and insignificant part of the listed heritage building or structure.

DPC04/06 D5 – Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking that the heritage values of the place being considered for demolition or relocation be thoroughly investigated using the NZHPT registration criteria or the World Heritage Convention criteria, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The NZHPT registration criteria or the World Heritage Convention criteria for heritage values can be used as part of the section 104 requirements of the Resource Management Act in considering a resource consent application. However, it is not considered necessary for this request to be specifically stipulated in the District Plan as a matter that Council shall have discretion to.

DPC04/06 D6 – Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking that a conservation plan prepared by a qualified and experienced person recommended by the NZHPT be undertaken where relocation is being considered, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This is more appropriate as a condition to the granting of consent to relocate the building or structure as every application is judged on its own merits.

DPC04/06 D7 – Ian Alexander Bowman and Erin Sylvia Beatson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission lodged by Ian Alexander Bowman and Erin Sylvia Beatson, seeking that a thorough heritage inventory be prepared for all areas covered by the District Plan, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The importance of a heritage inventory is acknowledged. However, it is considered that an inventory is outside the scope of this plan change. The results of the inventory could involve adding or removing buildings and structures from the current lists in the District Plan, which would require a separate plan change.

DPC04/07 D1 – Rosemary McLennan

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Rosemary McLennan, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/08 D1 - Geoffrey Mew

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Geoffrey Mew, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/09 D1 - M Conway

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by M Conway, seeking that Hutt City Council, not officers, make decisions regarding the environment, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

Council officers make decisions regarding non-notified applications and notified applications that have not attracted any submissions and thus do not require a hearing. Elected Councillors hear an application that has been publicly notified where submissions have been received and submitters wish to be heard. Thus elected Councillors are the decision-makers in hearings. As noted in the Background Report, it is likely that most applications for demolition or relocation of heritage buildings and structures will be notified and thus require a hearing.

DPC04/09 D2 – M Conway

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by M Conway, seeking that new houses be built in character, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

In order to achieve the objective and policies of the residential areas, new houses need to be built in character to the surrounding area. In addition this is likely to be a condition of granting consent for the demolition or relocation of heritage buildings and structures.

DPC04/10 D1 – Alison Margaret Rogers

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Alison Margaret Rogers, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/11 D1 – Juliet Lamb

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Juliet Lamb, seeking that it be made a priority to protect (and prevent removal) of heritage buildings, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is considered that the proposed plan change is a way of protecting heritage and preventing relocation of heritage buildings. The promulgation of this plan change is an indication that Council considers heritage a priority in so far as it has requested this plan change. Each application is considered on its own merits and assessed against the provisions of the Resource Management Act. Section 6(f) making the protection of historic heritage from inappropriate subdivision, use and development a matter of national importance needs to be weighed against section 5 which is overriding. Therefore it is possible that demolition and relocation may still occur if it is considered to achieve section 5 of the Act. Demolition or relocation of a listed heritage building or structure as a discretionary activity can be either granted or refused consent.

DPC04/11 D2 - Juliet Lamb

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Juliet Lamb, seeking a moratorium on existing demolition permits, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

There is no power for Councils to place moratoriums under the Resource Management Act 1991.

DPC04/12 D1 - Warwick Alan Johnston

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Warwick Alan Johnston, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/12 D2 - Warwick Alan Johnston

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Warwick Alan Johnston, seeking that Council increase its heritage protection and preservation regime, set aside more resources for that protection and preservation and guarantee continued protection, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

A discretionary activity can either be granted or refused consent. Even if demolition and relocation of heritage buildings and structures was a prohibited activity, this would not necessarily guarantee protection, as the owner could allow the building to become run-down and ill maintained, which does not constitute protection. Council can take action to ensure that buildings are safe under the Building Act 2004, however it cannot force private property owners to keep their heritage buildings in good aesthetic condition, or force an owner to bring the building up to a habitable standard or to a standard suitable for rent or lease to tenants. The matter of needing more resources available for

protection and prevention of heritage buildings and structures cannot be achieved through the Resource Management Act 1991 but rather is more appropriately addressed in the Long Term Council Community Plan.

DPC04/12 D3 - Warwick Alan Johnston
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Warwick Alan Johnston, seeking that all applications be processed in the public arena, be **PARTIALLY ACCEPTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

It is considered that most applications for demolition or relocation of heritage buildings and structures will be publicly notified, as the adverse effects on the environment will probably be more than minor. These applications will be processed in the public arena. Submissions will be called for and, if required, elected Councillors will hear the application. However, there may also be circumstances where applications will not be publicly notified, for example an application for the demolition of a small and insignificant part of the heritage structure, and these could be processed on a non-notified basis.

DPC04/12 D4 - Warwick Alan Johnston
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Warwick Alan Johnston, seeking the appointment of a local historian in an advisory capacity to Council and the Heritage Advisory Group, be **REJECTED** to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be **REJECTED**.

Reasons:

This request is not appropriate through the District Plan Change process and is outside the scope of the Plan Change.

DPC04/12 D5 – Warwick Alan Johnston

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Warwick Alan Johnston, seeking that the Heritage Advisory Group be accepted as part of the formal Council Committee structure and have the same status and authority as other Council Committees, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is not appropriate though the District Plan Change process and is outside the scope of the Plan Change.

DPC04/13 D1 – Hutt City Uniting Congregations Parish
Decision:

That the submission by Hutt City Uniting Congregations Parish, seeking that demolition be a controlled activity, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

Reasons:

As outlined in the Background Report, an application for demolition as a controlled activity would mean that the demolition must be allowed, although Council could impose conditions such as taking photographs and documenting a written assessment of the heritage values of the structure. Generally the application would not be publicly notified unless the applicant requested it or Council considered there were special circumstances. It is considered that demolition as a controlled activity would not allow adequate public participation or protection for heritage buildings. Heritage buildings and structures have an aesthetic appeal that members of the public enjoy. Therefore, it is important that

the views of both the building owner and the general public are considered in the decision-making process.

DPC04/13 D2 - Hutt City Uniting Congregations Parish

Further Submitter in Support: St James Anglican Church Lower Hutt

Further Submitter in Opposition: Warwick Alan Johnston

Decision:

That the submission by Hutt City Uniting Congregations Parish, seeking that any provision that precludes the Parish from using its resources in the manner that best suits the ongoing life of its congregation be opposed, and the further submission lodged by St James Anglican Church Lower Hutt, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by Warwick Alan Johnston be ACCEPTED.

Reasons:

The Plan Change does not prevent an owner from using its resources but rather seeks to ensure that heritage buildings and structures are protected in so far as the demolition and relocation is proposed as a discretionary activity and that the public are involved in the decision-making process.

DPC04/14 D1 - Sylvia Haden

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Sylvia Haden, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/14 D2 - Sylvia Haden

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Sylvia Haden, seeking that anyone who buys a heritage building must sign a document ensuring they will not demolish, alter or relocate it, be REJECTED, and that the submission seeking that new houses be built in character be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The Council has no jurisdiction under any Act to require people to sign such a document. Constructing new buildings and structures so that they are in character with the surrounding area is part of meeting s5 and s6(f) of the Resource Management Act 1991.

DPC04/14 D3 - Sylvia Haden

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Sylvia Haden, seeking that decisions on heritage buildings be made by elected Councillors, not Council employees, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

Council officers make decisions regarding non-notified applications and notified applications that have not attracted any submissions and thus do not require a hearing. Elected Councillors hear applications in hearings where submitters have indicated they wish to be heard, and the Councillors are the decision-makers. As noted in the Background Report, it is likely that most applications for demolition or relocation of

heritage buildings and structures will be notified and thus require a hearing.

DPC04/15 D1 - St James Anglican Church

Further Submitter in Opposition: Warwick Johnston

Decision:

That the submission by St James Anglican Church, seeking exemption from the provisions for Churches and other places of worship, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission by Warwick Johnston be ACCEPTED.

Reasons:

The demolition or relocation of any and all listed heritage buildings or structures in the District Plan is proposed to be a discretionary activity. There is no distinction of importance between the buildings and structures except that some are also listed on the NZHPT register (although the same rule applies). Specific churches and places of worship are on the list and went through a public consultation procedure to be on the list. To remove them from the list would require a further Plan Change and associated consultation procedure. Thus the fate of listed heritage Church buildings and structures either way lies in the hands of the public process.

DPC04/15 D2 - St James Anglican Church

Further Submitter in Opposition: Warwick Johnston

Decision:

That the submission by St James Anglican Church, seeking exemption from the alteration provision for Churches and other places of worship, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission by Warwick Johnston be ACCEPTED.

Reasons:

This is outside the scope of Plan Change 4. To seek a change on the current provision concerning alteration requires a new and different plan change. A private plan change can be requested if so desired.

DPC04/16 D1 - Tom Bennion and Megan Collins
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Further Submitters in Support: Kevin Sean Gray, Pamela Mary Hanna

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Tom Bennion and Megan Collins, seeking to confirm the change with Objective 14F1.1 modified to read "To ensure that as far as possible, the heritage values of identified heritage buildings and structures are not lost through demolition or relocation, or compromised by any additional work", and the further submissions lodged by Kevin Sean Gray and Pamela Mary Hanna, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The above objective can be compared against Council's proposed Objective "To ensure that the heritage values of identified heritage buildings and structures are not unnecessarily lost through demolition or relocation, or compromised by any additional work".

The modified objective as suggested by the submitter omits the word 'unnecessarily' from Council's proposed objective and inserts the words 'as far as possible'. The word 'unnecessarily' suggests the requirement of a justification demonstrating that the demolition is necessary and that there are good reasons for the demolition. To change to 'as far as possible' does not conjure up the same requirement. It is considered that the words 'as far as possible' are not as strong or measurable as the word 'unnecessarily' in the context of this objective.

DPC04/16 D2 - Tom Bennion and Megan Collins
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Further Submitters in Support: Kevin Sean Gray, Pamela Mary Hanna

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Tom Bennion and Megan Collins, seeking to confirm the change with Policy 14F1.1 modified to read "To ensure that where the demolition or relocation of listed heritage buildings and structures is proposed, a thorough assessment and determination is made of the need for that demolition or relocation and of the alternatives available, including alternative uses of the buildings or structures", and the further submissions lodged by Kevin Sean Gray and Pamela Mary Hanna, be PARTIALLY ACCEPTED to the extent that the policy be changed to read "To ensure that where the demolition or relocation of listed heritage buildings and structures is proposed, a thorough assessment and determination is made of the need for that demolition or relocation and of the alternatives available".

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The above policy can be compared against Council's proposed Policy "To ensure that where the demolition or relocation of listed heritage buildings and structures is proposed, a thorough assessment and determination is made of the need for that demolition or relocation and the alternatives available are investigated".

The difference between the policy proposed by the submitter and that of Council concerns the 'alternatives available' part of the policy. The submitter seeks to ensure that there is a thorough assessment and determination of both the alternatives available and the need for the demolition or relocation, while Council's proposed policy ensures that alternatives available be investigated. It is considered that the policy offered by the submitter provides more certainty although it is considered that there is no benefit in stipulating use and not other alternatives.

DPC04/16 D3 - Tom Bennion and Megan Collins
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Further Submitters in Support: Kevin Sean Gray, Pamela Mary Hanna

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Tom Bennion and Megan Collins, seeking that a separate Plan Change be initiated to establish a heritage character area bounded by Victoria Street, Jackson Street, Collins Street and The Esplanade, with rules making the demolition or removal of pre-1930's

buildings a discretionary activity, and the further submissions lodged by Kevin Sean Gray and Pamela Mary Hanna, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is outside the scope of this Plan Change, as noted by the submitter. To include this area would require a new and different plan change. The submitter could request a private plan change, or alternatively this area could be identified in an upcoming heritage inventory or residential review.

DPC04/17 D1 - New Zealand Historic Places Trust
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Further Submission in Support: Greater Wellington Regional Council

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by the New Zealand Historic Places Trust, seeking adoption of the Plan Change and amendment of 14F1.1 Objective to read "To ensure that heritage values of identified heritage buildings and structures are not compromised by any additional work and to promote the conservation of heritage places by protecting identified heritage buildings and structures from demolition and relocation", and the addition of the following policies to 14F1.1:

"To ensure that where partial demolition or relocation is proposed, any significant components or significant heritage fabric is identified and the loss of these components or fabric is minimised."

"To ensure that where any relocation is proposed, any assessment is required to determine if the site is of associated value, that relocation is the only means for saving the structure, and if the relocation will provide continuity of cultural heritage value."

"Demolition and relocation is generally acceptable within Jackson Street Historic Area where it can be proven that the subject building, or part of a building or structure, has been identified as having no heritage significance, is not contributory to the significance of the heritage place, or is intrusive."

“Demolition may be acceptable where fire or other similar damage has occurred, where the condition of the place has been assessed as being beyond repair, both physically and economically.”

and the further submission lodged by Greater Wellington Regional Council be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The Objective proposed by NZHPT is not well balanced and is too focussed on protection of heritage buildings and structures. It implies that demolition and relocation is never appropriate or necessary, despite section 6(f) of the Resource Management Act 1991 that states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (f) The protection of historic heritage from inappropriate subdivision, use, and development.

This implies that, in some circumstances, appropriate development is acceptable. The objective and policies must be worded in a way that reflects this. It is considered that the proposed wording of Council’s objective and policy provides the necessary balance. As mentioned in the Background Report, in certain circumstances only demolition or relocation will achieve sustainable management.

The policies proposed by the submitter are inappropriate for the District Plan as they do not promote sustainable management by acknowledging that in certain circumstances demolition or relocation would achieve section 5 of the Resource Management Act.

Many of the suggestions by NZHPT could be included in the wide ranging assessment. For example, the suggestion that assessment be made of the site value in relation to heritage for relocation proposals could be recognised under the proposed policy of the Plan Change.

DPC04/17 D2 - New Zealand Historic Places Trust
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by the New Zealand Historic Places Trust, seeking that a separate Plan Change be initiated reviewing the objectives, policies and assessment criteria with regard to Chapter 14, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is outside the scope of this Plan Change. Chapter 14 - General Rules - includes Transport; Signs; Noise; Hazardous Facilities; Significant Natural, Cultural and Archaeological Resources; Heritage Buildings and Structures; Trees; Natural Hazards and Earthworks.

DPC04/18 D1 - William Charles Robert Clark

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by William Charles Robert Clark, seeking that no demolition of heritage buildings or structures be permitted and no alterations be made to the outside except to restore to original condition, and no relocation be permitted, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter is essentially requesting that demolition and relocation be a prohibited activity. As mentioned in the Background Report, there are currently no prohibited activities in the District Plan and in some circumstances it would be appropriate to demolish a building or relocate it if possible.

DPC04/18 D2 - William Charles Robert Clark

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by William Charles Robert Clark, seeking a fund to help owners restore their buildings, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The initiation of such funding must be dealt with through the annual plan process. It is outside the scope of this plan change. However, as outlined in the Background Report, a fund already exists to assist with earthquake risk buildings, promoting and increasing public awareness of heritage issues and providing support for heritage groups.

DPC04/19 D1 – Petone Community Board

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by the Petone Community Board, seeking a further review of the Issues, Objectives and Policies of 14F1 and in particular that Objective 14F1.1 be strengthened to provide protection and conservation of heritage buildings, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is considered that Council's proposed objective and policies provide a good balance to accommodate the needs of those wanting to protect heritage structures and those wanting to demolish or relocate heritage structures. To "strengthen" the objective to better provide for protection and conservation of heritage buildings would disrupt this balance towards more of a protection bias. Objectives and policies must also be consistent with Part II of the Resource Management Act. With the current wording of section 6(f), demolition and relocation can be construed to be appropriate in certain circumstances. The objective

and policies must be worded in a way that reflects this. It is considered that the proposed wording of the objective and policies provides the necessary balance.

DPC04/19 D2 - Petone Community Board

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by the Petone Community Board, seeking a comprehensive heritage inventory across the City including buildings, structures and sites, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As discussed in the Background Report, it is considered important that a current heritage inventory is undertaken so that it is known what heritage there is in the City. A different plan change may be required to reflect the results of such an inventory. This could involve adding or removing buildings and structures from the current lists in the District Plan.

DPC04/19 D3 - Petone Community Board

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by the Petone Community Board, seeking a formal process of consultation with the Board on heritage matters within the Board's area, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is outside the scope of this Plan Change although Council has already agreed to advise the Petone Community Board of all

resource consent applications in its area. However, unless they are identified as being an affected party of the application, no formal consultation is appropriate or required under the Resource Management Act.

DPC04/20 D1 - Greater Wellington Regional Council
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Greater Wellington Regional Council, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/21 D1 - John Beyon

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by John Beyon, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/21 D2 - John Beyon

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by John Beyon, seeking that demolition and relocation of heritage buildings be publicly notified, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, it is likely that consents for the demolition or relocation of heritage buildings and structures will be notified as it is likely that the effects of the demolition or relocation on the environment will be more than minor. However, there will be some applications where the effects on the environment are considered minor, for example the demolition of a small and insignificant part of the listed heritage building or structure. These types of applications may be processed non-notified.

DPC04/22 D1 - Roy Hewson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Roy Hewson, seeking that demolition and relocation of heritage buildings be publicly notified, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

As outlined in the Background Report, it is likely that consents for the demolition or relocation will be notified as it is likely that the effects of the demolition or relocation on the environment will be more than minor. However, there will be some applications where the effects on the environment are considered minor, for example the demolition of a small and insignificant part of the listed heritage building or structure, where applications may be processed non-notified.

DPC04/22 D2 - Roy Hewson

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Roy Hewson, seeking that the conditions be tightened up and not open to interpretation, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is considered that the provisions of the proposed Plan Change are appropriate and are consistent with the provisions of the Resource Management Act. The proposed provisions provide a balance that ensures justification will be required for proposed demolitions and relocations, while allowing for demolition or relocation where appropriate.

DPC04/23 D1 - Hutt City Council Heritage Advisory Group
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Hutt City Council Heritage Advisory Group, seeking that all applications to demolish or relocate a listed heritage building be publicly notified, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is likely that consents for the demolition or relocation will be notified as it is likely that the effects of the demolition or relocation on the environment will be more than minor. However, there will be some applications where the effects on the environment are considered minor, for example the demolition of a small and insignificant part of the listed heritage building or structure. Applications like these may be processed non-notified.

DPC04/23 D2 - Hutt City Council Heritage Advisory Group
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Hutt City Council Heritage Advisory Group, seeking that the conditions in the Plan not be open for different interpretations, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is considered that the proposed provisions are not open for different interpretations to the detriment of heritage buildings and structures. The provisions clearly require a justification for the need for demolition or relocation. The provisions clearly state that alternatives need to be investigated. The provisions provide a balance between protecting heritage values and acknowledging that, in certain circumstances, demolition or relocation may be the appropriate option for the site and/or structure. The rule quite clearly states that demolition or relocation of part or all of a listed building or structure will be a discretionary activity. The submission questions the meaning of the word "unnecessarily". "Unnecessarily" means that it has to be shown that the demolition or relocation is necessary. In determining what is necessary, a thorough assessment shall be made for that demolition including any and all alternatives that may be available. It means that in some cases, demolition or relocation may be appropriate while in other cases it may not be.

DPC04/23 D3 - Hutt City Council Heritage Advisory Group

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Hutt City Council Heritage Advisory Group, seeking that a complete inventory be made of heritage buildings in the City and that these be listed with both the Historic Places Trust and the Council, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is outside the scope of the Plan Change. However, as demolition and relocation of listed heritage buildings has until recently been permitted in the City without resource consent, it is acknowledged that the list of heritage buildings and structures in the District Plan may be incorrect and in need of an update. It is important that Council is aware of all remaining heritage buildings and structures in the City. An inventory is considered imperative for the integrity of the District Plan. As a result of such inventory, other buildings and structures could be added to the list in the District Plan by way of a different Plan Change. However, it is the discretion of the Historic Places Trust to decide whether any additional heritage buildings and structures should be listed on their register.

DPC04/24 D1 - Vera Ellen

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Vera Ellen, seeking to confirm the Plan Change, be ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

The submitter supports the Proposed Plan Change.

DPC04/24 D2 - Vera Ellen

Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the submission by Vera Ellen, seeking the identification of further heritage structures not currently listed in the District Plan, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

This request is outside the scope of the Plan Change. However, as noted in the Background Report, it is considered necessary that an inventory of current heritage buildings and structures be completed within Hutt City. Such an inventory could identify buildings and structures that could be added to the list in the District Plan. This would require a separate Plan Change.

DPC04/25 D1 - Sherry Phipps

Decision:

That the submission by Sherry Phipps, seeking the protection of private property rights by introducing a time limit for the Discretionary Activity to allow interested parties to come up with the money and gauge public support, be REJECTED to the extent that the provisions of the Proposed Plan Change remain without change.

Reasons:

The Resource Management Act sets out time frames for processing resource consent applications. It also sets out the mandatory statutory procedure for processing resource consent applications. Should a hearing be required, a decision will be made by the elected Councillors and the decision can be appealed to the Environment Court if necessary. Every decision is made to achieve the purpose of the Resource Management Act.

DPC04/26 D1 - Jackson Street Programme Inc (Heritage Committee) - Late Submission
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Further Submitter in Opposition: St James Anglican Church Lower Hutt

Decision:

That the late submission by the Jackson Street Programme Inc (Heritage Committee), seeking that all applications for demolition or relocation of listed heritage buildings and structures be publicly notified and not left to the discretion of persons within Council, be PARTIALLY ACCEPTED to the extent that the provisions of the Proposed Plan Change remain without change.

That the further submission lodged by St James Anglican Church Lower Hutt be REJECTED.

Reasons:

It is likely that consents for the demolition or relocation will be notified, as it is likely that the effects of the demolition or relocation on the environment will be more than minor. However, there will be some applications where the effects on the environment are considered minor, for example the demolition of a small and insignificant part of the listed heritage building or structure, and these applications may be processed non-notified. Council officers make decisions on notification under section 93 of the Resource Management Act. If applications are publicly notified and submitters would like to be heard in support of their submission, then a hearing is held where elected Councillors will be the decision-makers. If no hearing is required then Council officers make a decision on the application.

RW Styles
CHAIR